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Follow-up to the commemoration of the two-hundredth anniversary of the abolition of the transatlantic slave trade

Programme of educational outreach on the transatlantic slave trade and slavery

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 57/108, in which the Assembly requested the Secretary-General to report on continued action to implement the programme of educational outreach on the transatlantic slave trade and slavery, as well as steps to enhance world public awareness of the commemorative activities and the permanent memorial initiative.

The theme of the 2013 commemoration, "Forever free: celebrating emancipation", paid tribute to the emancipation of slaves around the world. The 2013 commemoration acquired a special significance during a year that marked many key emancipation anniversaries. Working in close collaboration with States members of the Caribbean Community and the African Union, the Department organized a series of activities from 18 to 25 March 2013 to mark the sixth annual observance of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade.

To increase awareness of the observance internationally, the Department of Public Information worked with its network of United Nations information centres, initiated a robust social media campaign and engaged in new partnerships with Member States and civil society actors.

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I. Introduction

1. On 17 December 2007, the General Assembly, in its resolution 62/122, designated 25 March the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade.

2. In the same resolution, the General Assembly requested the Secretary-General to collaborate with and build on the work of the United Nations Educational, Scientific and Cultural Organization (UNESCO), including its Slave Route Project, to establish a programme of educational outreach to inculcate future generations with the causes, consequences and lessons of the slave trade and to communicate the dangers of racism and prejudice.

3. In its follow-up resolutions, including resolution 67/108, the General Assembly further requested the Secretary-General to report on continued action to implement the outreach programme and steps to enhance world public awareness of the commemorative activities and the permanent memorial initiative.

4. The present report is submitted pursuant to those requests.

II. Background

5. Taking place over a 400-year period, the transatlantic slave trade was the largest forced migration in history. The extensive exodus of Africans to many areas of the world was unprecedented in the annals of recorded human history. The legacy of that migration remains evident today in the large populations of people of African descent living throughout the Americas. In the past few years, efforts have been made to raise public awareness regarding the slave trade and its lasting consequences on societies throughout the world. As part of those efforts, it is essential to recognize the contributions that enslaved people and their descendants have made to the societies that forced them into bondage.

6. The 2013 commemorative activities acknowledged that raising awareness about the transatlantic slave trade can provide an opportunity to underline its lasting impact on the society of today. The consequences of slavery have left a deep mark to this day on many people and can still be identified through bias, hatred, prejudice and intolerance. A better understanding of the history, and knowing about the individuals who rose up against slavery, can provide a valuable perspective and be a source of pride and motivation for present and future generations in overcoming current challenges.

III. Emancipation of slaves around the world

7. The theme of the 2013 commemoration, "Forever free: celebrating emancipation", paid tribute to the emancipation of slaves around the world. The 2013 commemoration acquired a special significance during a year that marked many key emancipation anniversaries. In 1793, all slaves in Saint-Domingue (present-day Haiti) were freed and slavery was abolished in Upper Canada. In 1833, the Slavery Abolition Act ended slavery in Canada, the British West Indies and the Cape of Good Hope. Ten years later, in 1843, the Indian Slavery Act was signed. It has been 165 years since France abolished slavery and 160 years since slaves were

freed in Argentina. Brazil abolished slavery in 1888. The year 2013 also marks the 150th anniversary of both the abolition of slavery in the Dutch colonies and the Emancipation Proclamation in the United States of America.

8. A visual theme for the 2013 observance featured a man and a woman breaking their bonds as a symbol of emancipation. They are in celebratory poses, thereby illustrating the theme "Forever free".

IV. Remembrance activities

9. Remembrance activities were organized at Headquarters and other United Nations offices around the world. The activities at Headquarters included a week-long programme that began on 18 March and concluded on the International Day itself, 25 March. An exhibition at Headquarters opened on 11 February and remained on display until the end of May.

Department of Public Information/non-governmental organization panel discussion

10. The briefing for non-governmental organizations on the theme "Forever free: celebrating emancipation" opened the commemorative observance on 18 March and was broadcast on the Internet. The panellists were Eric Foner, DeWitt Clinton Professor of History, Columbia University; Anne Bailey, Associate Professor of History and Africana Studies, Binghamton University; and Françoise Vergès, President of the French National Committee for the Memory and History of Slavery (2008-2012). The panel discussed emancipation and the history of the transatlantic slave trade and its lasting impact on the United States, the Caribbean, Europe and Africa and the Indian Ocean.

11. During the briefing, two civil society representatives, Dieudonné Boutrin and Daniel Proust, introduced an educational ship project, with the support of a video produced for the commemorative week, and took questions from the audience.

Global videoconference for students

12. A global videoconference brought together 600 students from secondary schools in France, Senegal, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States. Organized with the support of the UNESCO Associated Schools Project Network, the interactive forum aimed to bring together societies linked by the history of the transatlantic slave trade to raise global awareness of the widespread resistance to slavery, to consider the legacy of slavery and its link to racism and prejudice and to discuss specific actions that could be taken to tackle those problems.

13. The keynote presenter for the videoconference, Françoise Vergès, spoke about the work of the French National Committee for the Memory and History of Slavery and the Memorial to the Abolition of Slavery, located in Nantes.

14. A selection of images and materials was made available for download on the Remembrance website and, in advance of the videoconference, Twitter and Facebook pages allowed early exchanges between participating students. To ensure preparations for the videoconference, two study guides — one for students and one for teachers — were created by the Department. For the first time, the

videoconference was conducted in English and French, with simultaneous interpretation in the two languages.

15. A survey was distributed at Headquarters following the videoconference. What follows is a selection of responses given to the request "Please tell us something about the transatlantic slave trade that you did not know before participating in this year's videoconference":

(a) "It was worldwide and slaves were taken everywhere";

(b) "Britain compensated slave owners for their loss when the slaves were freed";

(c) "Calypsonians made fun of their masters/the upper class through dances and songs";

(d) "It all started with Haiti becoming free";

(e) "Slavery and emancipation of slaves were not in the curriculum for some countries";

(f) "There are millions of people in slavery today. They are forced to work without pay";

(g) "Those of other races were affected by slavery";

(h) "There are slave memorials all over the world";

(i) "Slaves could be traded for spices and goods";

(j) "They traded slaves from Madagascar";

(k) "The involvement that the island of Gorée in Senegal had in the slave trade";

(l) "Liverpool was a big slavery point of transit".

Exhibitions

16. An exhibit on the theme of the 2013 commemoration opened on 11 February 2013 in the Visitors Lobby at Headquarters, comprising panels retracing the history of the transatlantic slave trade that present heroes and activists, the fight for emancipation and the legacy of slavery today. It remained on display until the end of May.

17. During the commemorative week, an original copy of the Emancipation Proclamation, signed by Abraham Lincoln and William Seward, and an original signed copy of the Thirteenth Amendment to the Constitution of the United States, by which slavery was abolished, were also on display. The documents, whose display was made possible by the generosity of Lawrence Benenson, were exhibited in the Visitors Lobby as the centrepiece of the exhibition on slavery. The official ceremony for the exhibition was held on 21 March.

Film screening

18. In conjunction with the Department of Public Information, the feature film *Lincoln* was screened on 20 March at the United States Mission to the United Nations. The film covers the final four months in the life of Abraham Lincoln and

focuses on his efforts in January 1865 to have the Thirteenth Amendment to the Constitution of the United States passed by the House of Representatives. Tony Kushner, the Pulitzer Prize-winning and Oscar-nominated screenwriter, introduced the film.

Book presentation

19. On 21 March, a book presentation was held at the United Nations Bookshop. Deborah Willis, University Professor and Chair of the Department of Photography and Imaging at the Tisch School of the Arts, New York University, and Barbara Krauthamer, Associate Professor of History, University of Massachusetts Amherst, discussed their book, *Envisioning Emancipation: Black Americans and the End of Slavery* (2012), with the support of an extensive slide presentation. Alan Gilbert, John Evans Professor of History, University of Denver, presented *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (2012).

Cultural and culinary event

20. Organized jointly with the International Organization of la Francophonie and the Martinique Promotion Bureau, the event began with a poetry recital to honour the 100th anniversary of the birth of a famous poet from Martinique, Aimé Césaire. Françoise Vergès, author of a book about the poet, introduced the recital. The evening included poetry readings by actors from France, Haiti and South Africa, a musical performance by a kora player from Mali, a dance performance by Ballet des Amériques and the screening of clips from *Aimé Césaire: une voix pour l'histoire* by Euzhan Palcy.

21. The evening, which highlighted the importance of remembering slavery through culture and also served as the official ceremony for the exhibition, continued with remarks by the Under-Secretary-General for Communications and Public Information; the Ambassador of the United States, Rosemary DiCarlo; the Chair of the Permanent Memorial Committee, Shorna Kay-Richards; and the lender of the copy of the Emancipation Proclamation and the Thirteenth Amendment, Lawrence Benenson.

22. A presentation of kanga fabrics from Kenya and the United Republic of Tanzania highlighted the importance of Kiswahili as a language with its origins in the East African slave trade. A pamphlet on the history of kanga and its place in the history of slavery was distributed during the presentation. The text of the pamphlet was adapted, with permission, from a longer article by a Nairobi-based kanga researcher and expert, Christel de Wit, who also provided a video that was screened during the event.

23. Students from Hofstra University contributed to the cultural evening by reciting slavery-related speeches by Frederick Douglass, Abraham Lincoln, Toussaint Louverture and Sojourner Truth, among others. The evening concluded with culinary displays from Africa and the Caribbean.

Concert

24. On 22 March, a concert on the theme of the 2013 commemoration was held in the General Assembly Hall, organized by the Department of Public Information with the collaboration of the States members of the Caribbean Community and the

African Union. It was intended to raise awareness of the transatlantic slave trade and its continuing legacy. In his opening remarks, the Secretary-General evoked the resilience of the culture of Africa that can still be seen today through many art forms, most notably music. He said:

> The rhythms of Africa travelled on ships with their human cargo. They were handed down from parents to children. Not only did they survive the slave masters' attempts to destroy identity, heritage and a sense of home — they defined the music of a culture and ultimately a nation.

25. Following remarks by the Chair of the Permanent Memorial Committee and Françoise Vergès, the United Nations Foundation Girl Up Champion, Monique Coleman, moderated the musical event, which featured performers from Africa, the Caribbean and the United States, including Benyoro, Somi, the National Ballet of Cameroon, Steel Pulse and the UNESCO Artist for Peace and well-known jazz musician, Marcus Miller.

Solemn commemorative meeting of the General Assembly

26. The solemn commemorative meeting of the General Assembly was held on 25 March. Formal remarks were delivered by the Vice-President of the Assembly and representatives of the regional groups and of the host country. Statements highlighted the devastating impact of slavery and called for that painful chapter never to be forgotten or repeated. Evoking Aimé Césaire and his warning against crossing arms in the sterile attitude of a spectator, because life is not a spectacle, the Secretary-General stated:

> I agree we must be more than spectators. While we recall slavery's horrors, we must also address the lingering consequences. While we remember the victims, we pledge to fight for equality, justice and peace. This is the most meaningful way to honour their memory.

27. The keynote address was delivered by Ali Mazrui, Director of the Institute of Global Cultural Studies and Albert Schweitzer Professor in the Humanities, Binghamton University, who described how and why it was important to educate young people of African descent about their history. His speech was entitled "From Wilberforce and Lincoln to Toussaint Louverture and Mandela".

28. In an informal component of the meeting, dancers and drummers from the National Ballet of Cameroon performed.

Radio and television features

29. United Nations Radio covered the commemorative week with a series of programmes in all six official languages, in addition to Kiswahili and Portuguese. Programmes included interviews with some of the speakers who participated in the week. United Nations Television produced a video of the events of the week, which was featured as the cover story on the United Nations website on the International Day.

Social media and the Internet

30. For the first time, the International Day was promoted through several United Nations social media accounts. The presence on Twitter (@rememberslavery), Facebook

(http://facebook.com/rememberslavery) and Tumblr (http://rememberslavery.tumblr.com) was established in December 2012. The accounts will remain active throughout 2013 to increase their audiences and to continue the conversations.

31. The Facebook account reached a total of 141,727 followers during the commemorative week. The most popular post was seen by more than 100,000 people and the Facebook page and the Twitter feed were supported by social media posts from UNESCO, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Foundation, the United Nations Development Programme, United Nations Volunteers, United Nations information centres, the Envoy of the Secretary-General on Youth and several United States embassies, in addition to a range of artists, including Mia Farrow, Marcus Miller, Monique Coleman, Steel Pulse and Somi.

32. The website for the event was updated to include detailed event information, background documents and links to partner websites. In addition, to make the website easier to find, the subdomain rememberslavery.un.org was established.

Internal communications

33. To help to raise staff awareness of the International Day, articles were featured on iSeek, the Secretariat intranet. The management of the cafeteria also agreed to feature African and Caribbean cuisine throughout the commemorative week.

Outreach through United Nations information centres in collaboration with civil society organizations and Member States

34. The network of United Nations information centres, services and offices around the world organized educational outreach activities to raise awareness of the International Day in collaboration with local partners, including host Governments, media, civil society, youth associations and academic and cultural institutions.

35. The following summary provides examples of activities undertaken by United Nations information centres during the week of the commemoration:

(a) The United Nations Information Centre in Almaty, Kazakhstan, screened several videos to a local audience that included university students. The screenings afforded an opportunity to pay tribute to those who bravely fought against the transatlantic slave trade and those who continue to stand up against modern forms of slavery;

(b) The United Nations Information Centre in Ankara continued to display a travelling exhibit on the history of slavery throughout the year. The exhibit was on display at the Anatolium shopping mall in Ankara from 12 to 23 October 2012. On 25 March, it was inaugurated at the Antares shopping mall by the United Nations Resident Coordinator and the mayor of Keçiören. The exhibit was on display for a week. Mall officials noted that some 100,000 people visited the mall each week. On 25 May, the Centre opened the travelling exhibit at Cer Modern, one of the most popular modern art centres in Ankara and the biggest in Turkey;

(c) The United Nations Information Centre in Asunción organized screenings of several films on the issue of racial discrimination, including *Slave Routes: A Global Vision* by UNESCO. The screenings were held in public and private schools and followed by discussions;

(d) The United Nations Information Centre in Antananarivo organized a conference with students and members of United Nations clubs to celebrate the International Day. The event was held at the Engineering School of Tourism, Informatics, Interpretership and Management, a private university, and attended by some 200 students. Other students and professors from various universities and high schools also participated. The Centre shared the Secretary-General's message, talked about the lessons of the transatlantic slave trade and stressed the importance of the celebration, given that Malagasies were also of African descent;

(e) The United Nations Information Centre in Brazzaville organized a tour of the ancient port of slaves in Loango, a coastal city located close to Pointe-Noire, the second city of the Congo. The tour began with an introduction by Centre staff and also involved the curator of the Loango museum and the local Director of Archives and Patrimony;

(f) The United Nations Regional Information Centre in Brussels, in collaboration with Ciné-ONU and the United States Mission to the European Union, organized a screening at the Goethe Institute of *Traces of the Trade*, a far-reaching personal documentary examining the legacy of a family involved in the slave trade. The screening was a success, assisted by the attendance of the director of the film, Katrina Browne;

(g) The United Nations Information Centre in Dakar organized, on 10 April, a visit to the historic island of Gorée for students from the suburbs of Dakar. They visited the House of Slaves and the town hall, where the mayor delivered welcoming remarks and invited them to reflect on the history of slavery. Journalists covered the visit;

(h) The staff of the United Nations Information Centre in Dar es Salaam, United Republic of Tanzania, along with 55 students from various schools, participated in an educational visit to Kilwa Kivinje, Kilwa Masoko and Kilwa Kisiwani in the Lindi region, on the Tanzanian coast. In 1981, Kilwa Kisiwani was declared a UNESCO World Heritage site. It was a trading centre linking the Arabian Gulf, the Far East and Africa. All students participated in interactive learning sessions while they visited buildings reflecting the way in which slaves were housed and saw wells built by slaves centuries ago. Discussions about the history of the slave trade and slavery in the United Republic of Tanzania were led by the Centre's Information Officer. The students watched *Roots*;

(i) The United Nations Information Centre in Dhaka, jointly with ASA University Bangladesh and Daffodil International University, organized an event on 25 March at ASA University Bangladesh. The commemoration included a seminar, a poetry recital, a poster exhibition, a drama performance and the lighting of candles. A cultural show and a poster exhibition were also organized;

(j) The United Nations Information Centre in Lagos, Nigeria, in collaboration with the African Anti-Slavery Coalition, organized a forum on 25 March. The event was attended by more than 60 participants, including students and teachers from secondary schools, representatives of the Lagos State Police Command, the media and non-governmental organizations;

(k) The United Nations Information Centre in Lima organized a presentation of the book *Mujer negra, esclava y resistencia* by a Peruvian journalist, Zelmira Aguilar. The work included a series of portraits of black women who were enslaved

in Peru and whose life stories are testimony to the social process that led the country to abolish slavery in 1854. In addition, a project entitled "Youth for tolerance", organized by the Centre, was launched. Over the course of 2013, young people will undertake activities to promote the principle of tolerance and reject racism and homophobia;

(l) The United Nations Information Centre in Mexico City screened *Slave Routes: A Global Vision* and hosted a debate about slavery and a workshop led by Casa Refugio África Hankili. Some 80 high school students attended a screening session and a workshop at the United Nations building. The International Day was the main issue of discussion. Following a presentation on the dangers of racism and racial discrimination, the students debated solutions and ideas to abolish modern-day slavery. From April to June 2013, the Centre developed several activities to promote the international Day. More than 150 students attended the screening sessions and the workshops;

(m) The United Nations Information Centre in Ouagadougou marked the International Day by organizing an exhibit of photographs, posters, books, brochures, decrees and acts and by hosting lectures for 20 schools in Burkina Faso. The exhibits and lectures brought together 6,212 students and teachers. The lectures were given by the Centre's staff and five history professors from the University of Ouagadougou;

(n) The United Nations Information Centre in Port of Spain hosted an exhibit in the National Library from 25 to 28 March. Other activities included providing information support to the schools videoconference on 26 March and distributing material in two other Caribbean countries and to school libraries in Trinidad and Tobago. Activities will continue with two other displays in Trinidad and Tobago and the printing of postcards for distribution to school libraries;

(o) The United Nations Information Centre in Rio de Janeiro, Brazil, organized, in partnership with Cinemão, two screenings of the UNESCO film *Slave Route: The Soul of Resistance* in the Complexo do Alemão, followed by an interactive debate with Centre staff. The Centre also invited students to participate in an essay contest, the best of which would receive a prize and be published on the Cinemão social network with the support of United Nations media. The activities educated more than 900 people about the causes, consequences and lessons of the slave trade;

(p) The United Nations Information Centre in Washington, D.C., promoted the International Day through its social media networks.

V. Information outreach and resources

36. For the 2013 commemoration, the Department of Public Information created a visual identity, a commemorative poster, banners, bookmarks, T-shirts and postcards depicting the theme "Forever free: celebrating emancipation". The poster was created in the six official languages of the United Nations, Kiswahili and Portuguese.

37. The Department updated the website in the six official languages of the United Nations to facilitate global access to the commemorative activities. The site provides educational resources on the transatlantic slave trade, with links to the

message of the Secretary-General, a description of events at Headquarters and around the world and related documents.

38. As part of its outreach programme, the Department facilitated the live webcast of events organized for the observance. Excerpts were made available through the UNifeed programme to television stations worldwide. The Media Liaison and Accreditation Unit provided services to journalists who reported on the commemorative events. United Nations Radio, United Nations Television, United Nations Webcast and the United Nations News Centre all covered the remembrance events.

39. The remembrance activities were covered by diverse media outlets, including the African Press Organization, Afrik Infos, Algérie Presse Service, Ayabás — Instituto da Mulher Negra do Piauí, *Bass Musician* magazine, Bernews (Bermuda), BET News, BiyoKulule Online, Conexão Sindical, Crónica Digital, cynews.tv, the *Daily News*, daily.wired.it, Dreadview, *El Nuevo Empresario, El Siglo de Torreón, Fátima Missionária*, Geledés — Instituto da Mulher Negra, GhanaWeb, GirlsForAfrica.org, girlsglobe.org, Globedia, Independent European Daily Press, iReggaeNation, *JazzTimes*, knews.kg, *La Tribune*, *La Voz del Sandinismo*, Mag Z Web Afrique, Media International Group News (Ukraine), newKerala.com, *Newsday* (Long Island), Nigeria Daily News, Nordfront, *Notícias da Bahia*, Noticias Iruya, Nzweek, onu.org.pe, Prensa Latina (Cuba), Proceso — proceso.com.do, Sa Ka Fet Matinik, Sinal da Fênix, Sinttonia FM 102.9, Slavernij Online, South-South News, SpringAid (Sweden), Star Africa, Swisslatin, *Témoignages*, *The Africa Report*, The Arabic Network for Human Rights Information, the *Earth Times* (United Kingdom), the *Jamaica Gleaner*, *The Peninsula* and www.ain.cu — Agencia Cubana de Noticias.

40. The interest generated by the 2013 theme afforded a unique opportunity to enhance world public awareness of the importance of sites of memory and the permanent memorial initiative, given that the commemorative activities benefited from improved coverage worldwide through traditional and social media channels.

41. Early contacts made by the Department with the Nantes Memorial to the Abolition of Slavery allowed for the participation in several of the commemorative activities of the project director for the cultural, scientific and educational programmes of the Nantes Memorial, Françoise Vergès, which helped to provide a useful background for efforts to erect a permanent memorial at Headquarters. The Department facilitated a comprehensive presentation by Ms. Vergès to the Permanent Memorial Committee during which the Nantes Memorial educational programme and cooperation with cultural and educational institutions involved in the study of the slave trade were discussed, as were areas of future cooperation between the Committee and the Nantes Memorial.

42. An increased number of United Nations information centres organized local outreach activities that included reference to the permanent memorial.

VI. Activities by Member States

43. Member States transmitted information on national educational programmes as requested in paragraph 8 of General Assembly resolution 67/108. The submissions allow the Department of Public Information to develop a compendium of activities

undertaken by Member States. Some Member States submitted new contributions in 2013, while others revalidated submissions made in 2012. The activities are summarized below.

Activities submitted in 2013

44. In Cameroon, history programmes at the primary and secondary levels include a full curriculum on slavery and the transatlantic slave trade, both for the English-speaking and French-speaking educational subsystems. At the primary level, the curriculum covers the following topics: slavery in Cameroon; the origin of the slave trade; methods of the slave trade (domestic, trans-Africa and Atlantic routes); the abolition of the slave trade; reasons for buying and selling slaves; and the economic, social and demographic consequences of slavery and the slave trade. The secondary programme explores the same topics in greater depth and includes a specific course on relations between Africa and Europe, the evolution of the trade routes, trading posts and the beginnings of the triangular trade. The programme's intention is for students to acquire a better understanding of national and international historical developments and of the evolution of society from a social, cultural, political and economic perspective.

45. Slavery existed in Canada from 1628 until it was abolished in Upper Canada in 1793 (the first British colony to do so) and throughout the British Empire in 1834. While in Canada responsibility for education and curricula fall within provincial and territorial jurisdiction, the Government of Canada is committed to working with partners to develop resources that foster a greater understanding of the history and consequences of slavery and the slave trade. February is recognized in Canada as Black History Month, during which the achievements and contributions of people of African and Caribbean descent are recognized.

46. Websites on black Canadian history link to a virtual black history museum, black Canadian organizations and archival and educational resources relating to the slave trade, enslavement, anti-slavery movements and the abolition of slavery.[1]

47. In 2013, the Government of Canada created two videos celebrating Harriet Tubman to commemorate the 100th anniversary of the death of the Underground Railroad heroine. In 2012, it produced a video monologue on the life of Richard Pierpoint, an enslaved African who earned his freedom during the American Revolution.

48. The Government's multiculturalism programme funds multi-year projects and community-based events that promote interaction among cultural and faith communities to foster mutual understanding and promote civic engagement. Projects include an exhibit on the Underground Railroad that provided educators with resources on the impact of slavery; a summer institute on slavery memory and citizenship at the Harriet Tubman Institute for Research on the Global Migrations of African Peoples, York University, which established a virtual connection between teachers in Haiti and Canada and launched the African Canadian Memory programme; and a performance of "Voices of the Diaspora" by the Nathaniel Dett Chorale, based on the award-winning novel by Lawrence Hill on slavery and its legacy.

[1] See www.cic.gc.ca/english/multiculturalism/black/index.asp and www.collectionscanada.gc.ca/black-history/index-e.html.

49. The Canadian Directory of Federal Heritage Designations includes districts, buildings, events, heritage sites and people of historic value or interest to the enslavement and abolition experience of Canada.[2]

50. The Social Sciences and Humanities Research Council provides funding for post-secondary research to foster a better understanding of slavery, abolitionist movement and citizenship issues.

51. The Government of Canada reports on such initiatives through its annual report on the Canadian Multiculturalism Act, which is put before Parliament each February.

52. In Cyprus, new school curricula are being gradually implemented in all subjects and at all levels. They are supported by teacher development programmes and new educational material. Although no explicit mention is made therein of the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade, primary and secondary school materials — especially on history, language, literature and civics — do afford teachers and students the opportunity to study the issue of slavery, both past and present.

53. Denmark attaches importance to educating and informing current and future generations about the causes, consequences and lessons of slavery and the transatlantic slave trade. In accordance with national legislation, history students are required to have an understanding of the history and consequences of slavery and the slave trade. The national history curriculum includes a mandatory segment featuring 29 historical events. One of those is the abolition of the slave trade, which students must study. Intercultural skills are also an important part of upper secondary education. In class teaching and in the national curriculum, there is a focus on obtaining knowledge of various cultures, the ability to meet other cultures and to live in a culturally diverse world and, lastly, the ability to handle cultural changes.

54. Jamaica has continued its policies and programmes to highlight the role of slavery and the transatlantic slave trade in moulding Jamaican culture and society. Its efforts have centred on educating the public about the horrors of slavery, the struggle against slavery, the legacy of slavery and the connections to modern Jamaican society. At the same time, most programmes and activities have been organized to celebrate the struggle and victory of Jamaicans over the system of slavery and the transatlantic slave trade, in addition to the colonial legacy.

Activities submitted in 2012 and revalidated

55. Kenya referred to teaching about slavery and the slave trade at the primary and secondary levels. The Ministry of Education has recommended that study of the issue be strengthened in the upcoming curriculum review.

56. The Ministry of National Education of Senegal has developed a curriculum on the history of slavery and the slave trade for secondary school students, which includes a field visit to and/or a school project about the House of Slaves on the island of Gorée. Senegalese schools that are members of the UNESCO Associated Schools Project Network participate in activities to commemorate the victims of the slave trade and the abolition of slavery.

[2] See www.pc.gc.ca/eng/dfhd/propos-about.aspx.

VII. Contribution of the United Nations Educational, Scientific and Cultural Organization to the programme of educational outreach on the transatlantic slave trade

57. Within the framework of the new strategy defined for its Slave Route Project, UNESCO undertook a number of activities to enhance the teaching of the slave trade and slavery in schools; to more effectively tap into the potential of audiovisual material in raising awareness about this tragedy and its consequences in modern societies; and to promote the creation of itineraries of memory for educational purposes.

58. Over the past few years, UNESCO has organized a series of meetings and workshops to discuss ways and means to encourage integration of teaching about the slave trade and slavery into formal primary and secondary education. Consequently, and in collaboration with the Harriet Tubman Institute, a new book, *The Transatlantic Slave Trade and Slavery: New Directions in Teaching and Learning*, published in January 2013, provides analysis of experience and good practices in this field and a discussion of the challenges in teaching this sensitive history.

59. UNESCO also continued to use the potential of audiovisual materials to raise public awareness of this history. A new educational film, *Slave Route: The Soul of Resistance*, produced in 2012, was screened often and in various countries. In addition, a pedagogical booklet was developed to accompany *The Slave Route: A Global Vision*, a documentary, to help teachers to engage in debates with young people on the subject. The French version of the film was sponsored by a renowned French footballer, Lilian Thuram. The English version will be sponsored by Marcus Miller, a UNESCO Artist for Peace and spokesperson for the Slave Route Project.

60. As part of its efforts to raise awareness about the slave trade and slavery and its consequences in modern societies, UNESCO supported events to commemorate the International Day, during which Mr. Miller participated in a concert in the General Assembly Hall and spoke about the significance of the Day and his role in promoting the Slave Route Project. In addition, the Associated Schools Project Network supported the organization by the Department of Public Information of the global schools videoconference.

61. UNESCO continued to encourage the preservation and promotion of sites and places of memory relating to the slave trade and slavery and the creation of itineraries of memory that could serve as educational and awareness-raising tools. To that end, the Slave Route Project is developing a methodological guide and training modules to reinforce the capacity of professionals involved in the creation and management of such itineraries.

VIII. Partnerships

62. To increase its outreach in a cost-effective manner, the Department of Public Information continued to forge lasting partnerships. Partnerships allow the International Day to be included in events not funded by the United Nations and in more locations than Headquarters. A number of partnerships were initiated for the 2013 commemoration, thereby helping to reach out to additional constituencies. Some are described below.

63. A partnership is being developed with the Nantes Memorial to the Abolition of Slavery. As a first step, Françoise Vergès, the project director for the cultural, scientific and educational programmes of the Nantes Memorial, contributed to several of the commemorative events, including the concert.

64. Covering more than 7,000 m^2, the Nantes Memorial is the largest memorial in the world dedicated to the fight against slavery. During the eighteenth century, Nantes became the largest slave harbour in France. The memorial is part of a larger cultural and civic education project that, through the work of several cultural institutions, focuses on acknowledging the city's past and raising awareness among younger generations through the memory of past struggles and to support the recognition and promotion of human rights.

65. The educational programme includes guided tours and a website that provides educational resources, lesson plans and a teacher guide. The texts found in the Memorial can also be downloaded from the website. International conferences have been held since 2012, bringing together researchers from such disciplines as law, history, literature and philosophy.

66. During Black History Month, the American Museum of Natural History in New York City invited the Department of Public Information to participate in its programme entitled "Global weekends: stories we tell — a tribute to storytellers who give voice to the African-American experience". A brochure about the commemorative activities was designed and shared with visitors on 23 February, while a team from the Department was available to respond to questions throughout the day.

67. Staff of the Department also reached out to several tourist and cultural institutions in New York City to promote attendance at the events surrounding the International Day, including the African Burial Ground, the New York University Institute of African American Affairs, Gray Line Tours, the Times Square Museum and Visitor Center and the Schomburg Center for Research in Black Culture.

IX. Future activities

68. Through a new approach, plans are already under way to further strengthen the collaboration between the Department of Public Information and Member States in the annual observance of the International Day.

69. In the planning of commemorative activities, the Department will attempt to spread events more widely throughout 2014. Doing so will prevent participation fatigue and allow for greater harnessing of opportunities that do not occur in the last week of March, as well as for more effective planning of events within the existing resources of the programme.

70. With the concurrence of Member States from Africa and the Caribbean, a theme has been adopted for the 2014 commemoration: "Victory over slavery: Haiti and beyond". Such early adoption will allow for more time for exploration of ideas, more advanced visual materials, earlier commitment of guests, speakers and participants, and more time for inclusion in education materials.

71. Similarly, the Department will explore opportunities to increase outreach and education efforts. It will work with partners to engage in education outreach

activities on the theme of slavery and the transatlantic slave trade to ensure that the legacy of the transatlantic slave trade is better understood. Through increased collaboration with UNESCO under the Slave Route Project, it will ensure that educational materials are made available in the six official languages of the United Nations.

72. Efforts to raise awareness of the permanent memorial initiative will continue, in cooperation with States members of the Caribbean Community and the African Union.

73. Existing partnerships will be consolidated, in particular in the context of the planning and organization of the 2014 commemoration. The Department will also seek to initiate new relationships with research institutions, schools, colleges and other educational entities, in addition to cultural and civic education organizations. The approach will focus on expanding further the scope of activities in order to ensure that a cost-efficient and cost-effective programme reaches out more widely to new and young audiences.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Promotion and protection of human rights, including ways and means to promote the human rights of migrants

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 67/172 on the protection of migrants. In that resolution, the Assembly requested the Secretary-General to submit to it at its sixty-eighth session a report on the implementation of the resolution, including an analysis of how a human rights perspective could enhance the design and implementation of international migration and development policies.

Written submissions were received from States, intergovernmental organizations and non-governmental organizations.

The report considers the components of a human rights-based approach to migrants and migration, including from the perspective of the post-2015 development agenda, contains an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies and provides examples of recent practice in integrating a human rights perspective in the design and implementation of migration and development policies.

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I. Introduction

1. In its resolution 67/172, the General Assembly requested the Secretary-General to submit to it at its sixty-eighth session a report on the implementation of that resolution, including an analysis of how a human rights perspective could enhance the design and implementation of international migration and development policies.

2. Written submissions were received from States, intergovernmental organizations and non-governmental organizations in response to a note verbale from the Office of the United Nations High Commissioner for Human Rights (OHCHR) on behalf of the Secretary-General requesting information on the implementation of resolution 67/172.[1]

3. Section II of the present report contains an analysis of the components of a human rights-based approach. Section III considers a human rights-based approach to migrants and migration within the post-2015 development agenda. Section IV contains an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies. Section V provides examples of recent practice in integrating a human rights perspective in the design and implementation of migration and development policies, highlighting in this regard challenges as well as best practice. Section VI provides conclusions and recommendations.

4. In the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", the Conference called upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability.[2]

5. The linkages between migration, migrants, human rights and development are intricate and multifaceted. Contemporary migration is an increasingly complex phenomenon. Technological advances have enabled faster travel and the rapid spread of information through the Internet and social media. Rising inequalities, demographic changes and global labour markets often draw migrants to work in gruelling and precarious conditions. The motives for undertaking migration are frequently many-sided and can change, particularly as migrants make long and often difficult journeys to countries of destination. Insufficient opportunities to migrate legally add to the compulsion of migrants to rely on smugglers to facilitate their movement and can exacerbate the vulnerability of migrants to traffickers and other forms of exploitation.

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[1] The text of most submissions received can be found on the website of the Office of the United Nations High Commissioner for Human Rights; available from www.ohchr.org/EN/Issues/Migration/Pages/HLD2013.aspx.

[2] United Nations System Task Team on the Post-2015 United Nations Development Agenda, *Realizing the Future We Want for All: Report to the Secretary-General* (New York, June 2012).

6. As human mobility has increased and become more global, the traditional distinctions between voluntary and forced, regular and irregular, and temporary, seasonal, long-term and permanent migration have become less clear-cut. This leads to an increasingly compelling argument that the rights of all migrants should be addressed in a holistic way. Almost half of the total international migrant population consists of women and girls, many of whom are migrating on their own account. An estimated one in eight migrants is between the ages of 15 and 24.[3] In the process of migration, children, youth, women and men all face challenges specific to their particular situation.

7. In that context, it is important to note that migration is a fundamentally human process involving the often precarious movement of some 215 million people. It is not merely an anonymous megatrend. At the same time, migration is an important economic and social phenomenon of the twenty-first century, and as such it has a defined development impact: on the human development of migrants and their families and on the development of countries of origin, transit and destination. In framing a discussion about migration and development, it is important that the human rights perspective be placed at the centre and not be overlooked. The migration and human rights agenda is an important lens, crucial in its own right as well as in the context of the migration and development arena, because human rights are intrinsic to all human beings, regardless of their instrumental value as units of labour or agents of development.

8. The development benefits of protecting the human rights of migrants are now beyond question. There is increased recognition that migration policies at the national, regional and international levels should take into account the essential contributions that migrants make to societies and economies and uphold the legal obligations voluntarily assumed by States to protect, promote, respect and fulfil the human rights of all migrants.

II. A human rights-based approach

9. A human rights-based approach aims to support better and more sustainable development outcomes by analysing and addressing the inequalities, discriminatory practices and unjust power relations that are often at the heart of development problems. Such an approach is normatively based on international human rights standards and operationally aimed at promoting and protecting human rights. Under a human rights-based approach, development efforts are anchored in a system of rights and corresponding State obligations established by international law.

10. A human rights-based approach focuses on the development of the capacity of duty bearers to meet their obligations and of rights holders to claim their rights. Such capacities include skills, abilities, resources, responsibilities, authority and motivation.

11. A human rights-based approach gives importance not only to outcomes but also to processes. In order to ensure rights-based processes and outcomes, it is

[3] Department of Economic and Social Affairs, Population Division, "International migration in a globalizing world: the role of youth", Technical Paper, No. 2011/11 (United Nations, New York, 2011).

essential to have functioning information systems and valid, relevant and disaggregated data in order to identify vulnerable groups and their diverse needs.

12. The principles underlying a human rights-based approach in the context of migration are the following:

(a) *Universality and inalienability*. All people, including migrants, are entitled to universal and inalienable human rights;

(b) *Indivisibility*. All human rights (whether civil, cultural, economic, political or social) are indivisible and inherent to the dignity of every human person, including migrants;

(c) *Interdependence and interrelatedness*. The realization of one right often depends, wholly or in part, upon the realization of other rights;

(d) *Participation and inclusion*. Migrants are entitled to active, free and meaningful participation in decisions that directly affect them;[4]

(e) *Equality and non-discrimination*. States should address direct and indirect discrimination against and unequal treatment of migrants in laws, policies and practices;

(f) *Accountability*. States should ensure transparency in the design and implementation of their migration policies and must ensure that migrants have access to mechanisms of redress and remedies. There are many ways to address accountability, including:

(i) Ratification of international human rights treaties and incorporation of standards in domestic law;

(ii) Judicial and quasi-judicial mechanisms, for example, taking migration issues into consideration in court rulings, as well as constitutional and administrative reviews, national human rights commissions and ombudsmen;

(iii) Administrative and policy mechanisms, for example, reviews of the human rights impact of migration policies and strategies;

(iv) Political mechanisms, for example, parliamentary processes, monitoring and advocacy by non-governmental organizations;

(v) Reporting to human rights treaties on the situation of migrants.

13. A human rights-based approach moves development analysis and programming from the amorphous realm of charity to the more measurable and enforceable realm of obligation.

[4] The Special Rapporteur on extreme poverty and human rights stated that "Effective participation can build capacity and rights awareness. It allows those living in poverty to see themselves as full members of society and autonomous agents rather than subjects of decisions taken by others who see them as objects of assistance or mere statistics." (A/HRC/23/36, para. 22).

III. A human rights-based approach to migrants and migration within the post-2015 development agenda

14. The United Nations High Commissioner for Human Rights has noted that the litmus test of development is the degree to which any strategies and interventions satisfy the legitimate demands of the people for freedom from fear and want, for a voice in their own societies and for a life of dignity.

15. A human rights-based approach to development, as defined by the United Nations system, is people-centred, non-discriminatory, inclusive and accountable and reduces inequality. In 2012, the United Nations System Task Team on the Post-2015 Development Agenda recommended three fundamental principles for the post-2015 development agenda, namely human rights, equality and sustainability.[5] It called for the new development agenda to be aligned with human rights standards and accountability mechanisms.

16. Neither growth nor poverty reduction are sustainable without giving attention to inequality and addressing pervasive discrimination. Economic growth is not in itself an adequate measure of development. Economic growth, where accompanied by significant structural inequalities and repression, is neither sustainable in the long term nor morally acceptable in the present.[6] The concept and practice of development must include considerations of productive employment and decent work for all, education and health care, adequate housing, food, a voice in public decisions, free, active and meaningful participation in public affairs, fair institutions of justice, and a sense of personal security.

17. Development is therefore fundamentally about removing barriers and expanding choices. As the United Nations High Commissioner for Human Rights has noted, "It should by now be seen as axiomatic that no society can develop to its true potential when entire sectors of that society are blocked from contributing by legal, physical, social or political barriers".[7] The inclusion of all migrants in development is not only a normative obligation rooted in the prohibition of discrimination but also a practical imperative for effective development strategies. Only if conceived in terms of human rights will migration be able to fulfil its potential as an enabler of human development.

18. Migrants are not commodities. Development interventions should not push migrants to migrate as "agents of development" or development workers, particularly without adequate protection of their human and labour rights. States, not migrants, are responsible for proper national planning and strategies to address development.

19. Nor should the post-2015 development agenda treat migration solely as a global phenomenon and an enabler of development, without considering the

[5] United Nations System Task Team on the Post-2015 United Nations Development Agenda, *Realizing the Future We Want for All: Report to the Secretary-General* (New York, June 2012).

[6] United Nations System Task Team on the Post-2015 United Nations Development Agenda, "Towards freedom from fear and want: human rights in the post-2015 agenda — thematic think piece: OHCHR" (May 2012), p. 4.

[7] See open letter of 6 June 2013 on human rights in the post-2015 agenda of the United Nations High Commissioner for Human Rights. Available from www.ohchr.org/Documents/Issues/MDGs/HCOpenLetterPost2015.pdf.

development situation of the more than 215 million migrants, many of whom live and work in precarious and inequitable conditions. Development targets that pay no attention to which groups are being left behind are just like economic growth targets: they can be met without having any real impact on ensuring a more equal and just world.[8]

20. The United Nations Development Programme's *Human Development Report 2009* noted that barriers to mobility are especially high for people with low skills, despite the demand for their labour in many rich countries.[9] Many migrants move, live and work in unequal, discriminatory and marginalized conditions, unable to benefit from development. Thus, the situation of migrants should be clearly disaggregated in future development goals, targets and indicators. The post-2015 development agenda is an opportunity to enhance the knowledge base on the human rights dimensions of migration, particularly in relation to more vulnerable migrants.

21. It is important that the post-2015 development agenda look to the world of work as a key site of interaction between migration and development, acknowledging particularly the vulnerability of low- and middle-skilled workers and migrant workers in an irregular situation. But it should also look beyond the workplace and recognize that migration interacts with development in other important public and private spaces, including in the home, in the communities that migrants leave and those that they join, and in education and cultural life. Appropriate policies should thus be explicitly aimed at alleviating inequalities in relation to migrant children and migrant women at risk, older migrants and migrants with disabilities, as well as migrants in irregular situations; ensuring the access of all migrants to essential services such as health care, education, social security, housing, water and sanitation. The Committee on the Rights of the Child has observed that policies, programmes and measures to protect children from poverty and social exclusion must include children in the context of migration, regardless of their status.[10]

22. The post-2015 development agenda should be a universal agenda, one that does not make arbitrary distinctions between nations but focuses on human beings and their human rights. In the context of contemporary migration, traditional distinctions between countries of origin and destination are beginning to be less relevant. Emerging economies and middle-income countries are increasingly host to significant migrant populations, and South-South migration is as important as the movement of people from developing to developed countries. Traditional destination countries are seeing their citizens migrate in search of opportunities, and traditional countries of origin have become transit and destination countries.

23. Accordingly, the post-2015 development agenda should apply to all countries and to all people; it should recognize that migrants can and often do live in poverty, marginalized and discriminated against in all host and transit countries. Migration

[8] Statement by 17 special procedures mandate holders of the Human Rights Council on the post-2015 development agenda, "Grounding development priorities in human rights: incentives to improve equality, social security and accountability", 21 May 2013. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13341&LangID=E.

[9] *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*, (United Nations publication, Sales No. E.09.III.B.1), p. 2.

[10] Committee on the Rights of the Child, "Report of the 2012 day of general discussion: the rights of all children in the context of international migration" (February 2013), para. 88.

policies made in countries of destination can have lasting impacts on the development and human rights of migrants' families and communities in their country of origin. When the poorest migrate, they often do so under conditions of vulnerability that reflect their limited resources and choices. In many countries, accordingly, irregular, temporary and low-skilled migrants (and their children) are significantly more likely to be living in poverty and inequality than citizens of that country.

IV. A human rights perspective on international migration and development policies

24. A "migration and development" policy is difficult to define. In the context of human development (understood as the expansion of people's freedoms to live their lives as they choose), such a policy would mean any measure designed to address migration that has an impact on the human development of migrants. As noted above, both migration and development are fundamentally human processes.

25. The benefits and the added value of utilizing a human rights based-approach in the design and implementation of migration and development policies are twofold: (a) the intrinsic rationale, acknowledging that a human rights-based approach to migration is the right thing to do, morally or legally; and (b) the instrumental rationale, recognizing that a human rights-based approach leads to better and more sustainable human development outcomes for migrants and their families, as well as, more broadly, societies and States. Importantly, a human rights-based approach seeks to build upon and learn from, rather than discard, the lessons of good development practice and strengthen arguments for their more consistent implementation.

26. A human rights-based approach to migration policy is premised on States voluntarily assuming universal standards and principles. Specific results, standards of service delivery and conduct and good practices are derived from universal human rights instruments. Further guidance on and elaboration of those standards and principles have been provided by the human rights mechanisms. This normative framework constitutes a firm foundation on which to design and implement migration policies.

27. The principles of equality and non-discrimination lie at the heart of international human rights law and connect directly to the principle of universality, which affirms that every human being has fundamental rights. The Universal Declaration of Human Rights recognizes that "all human beings are born free and equal in dignity and rights" (art. 1). All migrants, including those in an irregular situation, have the same human rights, including economic, social and cultural rights, as does anyone else; all restrictions including those based on nationality or immigration status must pursue a legitimate aim and be proportionate to the achievement of that aim. That is the clear message of the international human rights framework.

28. The human rights framework therefore requires States to contemplate a range of practical measures in order to fulfil their obligations, including the dismantling of barriers that obstruct the full participation of everyone, including migrants, in economic and social life. Other measures could include ensuring that national

strategies or plans of action in the areas of social security, health care or education take into account the situation and needs of migrants.

29. States are required to address direct and indirect discrimination when a law, policy or practice appears at first to be neutral but has a disproportionate impact on the rights of migrants. Imposing a rule that children enrolling in school must show a birth certificate, for example, discriminates against irregular migrant children who do not possess such documents or cannot easily obtain them. Fee-based medical systems that have the effect of excluding migrants living in poverty from essential health care might also be discriminatory.

30. Through dedicated attention to the most vulnerable, marginalized and excluded, a human rights-based approach to migration and development policies can ensure that no group is disregarded or left benind. In that regard, all migrants can be vulnerable because they are outside the legal protection of their countries of nationality. Moreover, as strangers to a society, migrants are often unfamiliar with the national language, laws and practice and can lack social networks. This makes migrants less able than others to learn and assert their rights. Migrants in an irregular situation are particularly vulnerable, as they can be denied access to public services in law or may be unable to access such services in practice because they have a fear of detection.[11]

31. Using a human rights-based approach to govern its migration policy could mean that a State will not do something, such as subject an irregular migrant to indefinite detention due to immigration status. It could mean that a State will do something such as enact laws to enable migrant children to access primary education without discrimination. And it means that the State is required to take action when private actors, such as employers or landlords, abuse the rights of migrants.

32. On the other hand, migration policies that are designed and implemented with little regard for human rights imperatives risk having negative human rights impacts, in addition to being ineffective with regard to their migration governance goals. For example, management policies based exclusively on punitive and restrictive border controls without due regard for the labour market and other reasons for migrant arrival tend to have little impact on the absolute numbers of migrants entering the country but can have the negative effect of exposing migrants to human rights violations at or near international borders and can increase insecurity and abuse by encouraging the proliferation of human trafficking enterprises.[12]

33. A policy guided by a human rights-based approach takes a holistic view of its environment, taking into consideration the migrant and his or her family, the community in which migrants live and work, civil society, local and national authorities, and all relevant parts of the government. Such an approach lifts sectoral "blinkers" and facilitates an integrated response to migration, including its links to development.

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[11] Statement of the Global Migration Group on the human rights of migrants in irregular situation, September 2010, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10396&LangID=E.

[12] See A/HRC/23/46, para. 83.

34. Such an approach helps to make the policy formulation process more transparent and empowers people and communities to hold accountable those who have a duty to act, ensuring effective remedies where rights are violated. It supports the monitoring of State commitments with the help of recommendations of human rights mechanisms and through public and independent assessments of State performance.

V. Recent practice in integrating a human rights perspective in migration and development policies

35. In their contributions to the present report, Member States highlighted a range of measures that they had taken to integrate a human rights perspective into the design and implementation of their migration policies, including in relation to legislation, administrative and policy measures and bilateral and multilateral cooperation. The following section provides recent examples of such practice, highlighting in that regard challenges and best practice.

A. Non-discrimination

36. Migrants often face discrimination and exclusion. In some countries, migration regulations explicitly discriminate against different groups of migrants, for example, by prohibiting low-skilled migrant workers from being joined by their family members, although family reunion is available to high-skilled migrants.

37. Some States have shown progress in ensuring non-discrimination. In Jordan, for example, legislative measures have been adopted, including amendments to the labour code in 2008 and 2010, to eliminate discrimination against women, broadening its scope of application to women migrant domestic workers and other groups of workers.

38. In Romania, community information campaigns have raised awareness of the issues faced by asylum seekers and migrants and have played an important role in fighting xenophobia and ensuring a better understanding of their situation.

39. In 2012, Montenegro adopted the new "Strategy for Improvement of the Position of Roma and Egyptians (2012-2016)" and an action plan linked to the strategy.

B. Legislation

40. The design and implementation of specific policy measures in relation to migration and development can be supported by a rights-based legislative framework, including constitutional law, non-discrimination and employment acts, equal treatment laws and labour and migration laws.

41. The 2004 national migration law of Argentina contains standards to ensure full respect for human rights of migrants and their families. This legislation recognizes the right to migrate based on the principles of equality and universality and guarantees equal access for migrants and their families to social services, public property, health education, justice, employment and social security.

42. The 2008 Constitution of Ecuador mandates protection of migrants, regardless of status, recognizing the "right to migrate". Article 40 explicitly states that no person can be deemed illegal because of their migrant status.

43. The Constitution of Georgia guarantees that foreign nationals and stateless persons possess the same rights, liberties and duties as nationals. Migrants enjoy equal access to the health system and its benefits, including medical care and social services. However, those rights are not explicitly recognized for irregular migrants.

44. In Bosnia and Herzegovina, legislation stipulates the involvement of public employment services and youth employment regional councils in the design of temporary migration programmes.

C. Cooperation on migration and development

45. Bilateral and multilateral cooperation, as well as coherence and cooperation within national governments and between governments and civil society stakeholders at the national and local levels can be an important element of a rights-based migration policy. Many States enter into memorandums of understanding and bilateral agreements with countries of destination, and it is important from a human rights perspective that such agreements are rights-based and are designed and implemented in a transparent and participatory process.

46. Migration, being a complex and multidimensional issue, is relevant to a range of ministries including those for labour, the interior, foreign affairs, child protection, health and education and ministries charged with monitoring human rights obligations. In Azerbaijan, through adoption of the "single window" principle, the State Migration Service serves as a unified governmental body to handle migration processes, thus enabling greater coherence among the different ministries engaged in the migration process. In Switzerland, multiple ministries and departments work together in a "whole of government" approach to migration. In Costa Rica, joint actions between the National Child Welfare Institute (PANI) and the National Bureau of Migration and Foreign Affairs (DGME) have been strengthened through the development of protocols for inter-institutional coordination for the protection of the rights of migrant children.

47. With the assistance of the United Nations Children's Fund, the South African Department of Social Development and the Zimbabwean Ministry of Public Service, Labour and Social Development have developed draft standard operating procedures for the tracing, reunification or alternative care placement of unaccompanied and separated children.

48. In Lebanon, a code of conduct providing guidance to recruiting agencies on promoting and protecting the rights of migrant domestic workers in the country was jointly developed and launched in 2013 by the Lebanese Ministry of Labour, the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL) and Caritas Lebanon's Migrant Centre, in consultation with OHCHR and the International Labour Organization (ILO).

49. Sri Lanka has signed social security agreements with States in which Sri Lankan migrant workers are employed, such as Italy and Cyprus, to ensure the portability of social security entitlements and allow migrants workers to claim

pensions and other social security benefits from countries in which they have worked.

50. In the Latin American and Caribbean region, the Initiative for Sexual and Reproductive Health Care for Migrant Youths and Women promotes binational and cross-sectoral work between Argentina and Bolivia (Plurinational State of); Colombia and Ecuador; Costa Rica and Nicaragua; El Salvador, Guatemala and Mexico; and Haiti and the Dominican Republic. The Initiative, which is supported by the United Nations Population Fund, is improving migrants' access to sexual and reproductive health services and strengthening programmes for the prevention of sexually transmitted infections, HIV/AIDS and gender-based violence.

D. Regularization

51. Regularization programmes can be an effective policy measure to address the extreme vulnerability of irregular migrants and thereby enable such migrants to achieve positive development outcomes.

52. The Agreement on Residency for Nationals of States Members of the Common Market of the South (MERCOSUR) was signed in 2002 and came into force in 2009. The Agreement guarantees that nationals from a country of MERCOSUR can acquire a temporary residence (and after two years, permanent residence) in any of the countries of the regional organization, and that such individuals are entitled to receive the same treatment as nationals, including in the labour market.

53. Regularization programmes have been adopted in Argentina (2007-2010), Brazil (2009), Chile (2007) and Paraguay (2011). The programme in Paraguay allowed the regularization of about 5,000 individuals who had entered the country irregularly prior to October 2010. It has been reported that the "Patria Grande" regularization programme of Argentina that granted either temporary or permanent residence to 560,131 people has brought significant development benefits to the host country.

E. Training and information

54. An important element in enhancing the human rights implementation of policies lies in strengthening and expanding technical assistance and capacity-building to all migration-related State authorities, including immigration and border authorities, judges, prosecutors, tax officials, labour inspectors, social workers, teachers, health-care professionals and diplomats and staff members in embassies and consulates. The ILO Multilateral Framework on Labour Migration encourages States to provide effective enforcement mechanisms for the protection of migrant workers' human rights and provide training on human rights to all government officials involved in migration (guideline 8.3 of the Framework).

55. Azerbaijan and Bosnia and Herzegovina have undertaken various initiatives for training public officials on migration and trafficking in persons, including on the application of the provisions of the international human rights framework. Colombia provides training to its immigration authorities on provisions relating to human rights and migration, refugee law and trafficking in persons and smuggling of migrants. In Romania, immigration officials working in locations such as ports,

airports and border crossings benefit from training programmes on the practical application of human rights standards.

56. Training on legal standards regarding conditions of detention, rights and welfare of detainees and the asylum and legal processes available to detainees have been delivered for detention service providers, police officers and border guards in the European Union and a number of other States, including China (Hong Kong), Indonesia, Lebanon, Mexico, Pakistan, the United Republic of Tanzania and the United States of America.

57. Training programmes to inform migrants should not only warn of possible risks but also empower potential migrants by informing them about their rights. In Sri Lanka, initiatives undertaken by the State include training programmes by the Bureau of Foreign Employment (SLBFE) for registered migrants prior to departure, and the establishment of eight pilot regional migrant information and service desks. Jordan has implemented informative media campaigns, and Tajikistan has developed awareness-raising campaigns and training to protect and support migrant workers who leave the State.

58. The International Organization for Migration (IOM) assists labour migrants to understand the risks associated with overseas employment and their rights through pre-departure orientation and migrant resource centres. In Bangladesh, IOM has supported training for labour attachés and, with ILO, provides training for labour inspectors in Mauritania.

F. Child protection

59. The Committee on the Rights of the Child has noted that States should ensure that the rights enshrined in the Convention on the Rights of the Child are guaranteed for all children under a State's jurisdiction, regardless of their own or their parents' migration status, and address all violations of those rights.[13] The capacity of national social protection systems to prevent and address all situations of vulnerability directly or indirectly related to migration should be strengthened and children affected by migration and their families should be a specific target group of social policies and programmes, regardless of migration status and without discrimination.

60. In Belgium, a specialized unit for unaccompanied children has been established in the Immigration Office, with the responsibility to grant residence documentation, conduct family searches and ensure that any family reunification is in the best interest of the child. In addition, specialized centres have been developed for unaccompanied minors. Several other States, including Guatemala, Romania and Ukraine, are taking similar steps to provide protection to unaccompanied children.

61. Birth registration is a fundamental human right and the foundation for the realization of other rights, including heath care, social benefits and education. In Thailand, the right to birth registration of children of irregular migrant parents is recognized in the Civil Registration Act. In addition, the 2008 Nationality Act

[13] Committee on the Rights of the Child, "Report of the 2012 day of general discussion: the rights of all children in the context of international migration".

provides for the naturalization of specific categories of persons including children of irregular immigrants born in Thailand before 1992.

62. In the Republic of Moldova, a national action plan on the protection of children left without parental care for the period 2010-2011 addressed the multiple aspects of vulnerability of children "left behind". As of 2012, the Ministry of Labour, Social Protection and Family was carrying out a census of such children.

G. Access to services and social security

63. Some host countries restrict migrants' access to health care and other services on the grounds that they need to protect their welfare systems from abusive claims and deter migration. Human rights treaty bodies and experts have questioned that claim on both ethical and factual grounds.[14] Even migrants who do not participate directly in official social protection often contribute to financing social protection schemes and programmes by paying indirect taxes. Some countries directly prohibit migrants from access to services, while in other countries informal or hidden barriers result in a lack of access. Immigration control practices in or near institutions that provide services, as well as the lack of a firewall between service providers and immigration authorities often results in denial of access to essential services.

64. In Argentina, Trinidad and Tobago and Uruguay, all migrants enjoy the same access to social services as do nationals. Other States, including Belgium, France, Italy and the Netherlands, have implemented administrative systems to give irregular migrants access to a range of health services. In Chile, a decision of the Ministry of Health ensures access to emergency medical care for irregular migrants and access to health care for pregnant women and children in an irregular situation. The right to equal access of all children to health care is recognized in Greece, Portugal, Romania and Spain.

65. The fundamental right of all children to education, regardless of their legal status, is recognized in Argentina, Belgium, Chile, Italy, Spain, Thailand, the Netherlands and Uruguay. In France, there is a ministerial circular to the same effect. The migration law of Argentina explicitly states that education authorities shall provide to migrants guidance and counselling on the regularization procedure.

66. A project on Integrated Community Development for Livelihoods and Social Cohesion in Mae Hong Son province, Thailand, aims to enhance livelihood opportunities and promote social cohesion for regular and irregular migrants. The integrated community development methodologies focus on livelihood generation, developing the capacity of local government and natural resource management.

67. Recommendation No. 202 concerning national floors of social protection adopted by the International Labour Conference provides four basic social security guarantees to be extended to all migrants. From 2009 to 2011, ILO supported the Republic of Moldova in developing institutional capacities for planning and implementing social security coverage for migrants and bringing into effect social security bilateral agreements.

[14] See, for example, A/HRC/14/30, para. 22.

H. Decent work

68. Many migrants, in particular low-skilled workers or migrants in a temporary or irregular situation, are vulnerable to exploitation and abuse in the context of employment. Migrant workers should enjoy equal treatment and conditions of work, regardless of their migratory status. While nationals or particular categories of non-nationals may have privileged access to the labour market, once a migrant is working he or she is entitled to basic protections regardless of legal status. Tying migrants to specific employers encourages labour exploitation, prevents migrants from finding better opportunities and is therefore both undesirable from a rights-based perspective and economically inefficient. In some countries, legislation requires migrants to obtain the employer's permission to leave the country or change employer, discouraging migrants from leaving exploitative working conditions without risking detention, deportation and loss of income. While some countries have made progress on implementing standard contracts for migrant workers, many do not include such important guarantees as a minimum salary or improved regulation of exploitative recruitment agencies. Some migrants, such as domestic workers, are often explicitly excluded from the protection of domestic labour law.

69. In Sri Lanka, migrant workers are required to register prior to departure, and there is a requirement that service contracts be signed in the presence of officers from the national Bureau of Foreign Employment and be approved by Sri Lankan missions overseas.

70. Azerbaijan's law on labour migration states that if the contract of employment is terminated for reasons not depending on the migrant worker, all expenses related to the return of the migrant and his/her family shall be reimbursed by the employer.

71. In Taiwan Province of China, employers are prohibited from retaining the identity documents of migrant workers, such as their passports or residence permits. Employers may not withhold their pay or property, commit bodily harm, or violate any of their other rights. Employers who engage in such conduct may be prohibited from employing migrant workers.

72. Domestic workers in the countries of the Gulf Cooperation Council are entitled to a unified standard contract including a weekly day off, the right to remain in possession of their passports and traceable electronic monthly salary payments into bank accounts. In 2013, the Philippines and Saudi Arabia signed an agreement to protect the labour rights of migrant domestic workers from the Philippines, including setting up a 24-hour helpline.

73. In Mauritius, migrant workers enjoy prescribed salary levels and other terms and conditions of employment equal to local workers and have the right to join and form a trade union. Since 1999, a special migrant workers unit set up within the Ministry of Labour carries out workplace inspections and receives and acts on complaints on behalf of migrant workers, in a language understood by the migrant.

I. Criminalization, detention and detection

74. While policies of criminalization and exclusion are unlikely to be an effective deterrent to irregular migration, they can have harmful consequences, not only on

the human rights and well-being of individual migrants but also on relations between host communities and migrants in that society. That will ultimately have harmful consequences for human development. There is a growing body of evidence that administrative detention does not deter irregular migration, and despite the worldwide introduction of increasingly tough detention policies over the past 20 years, the number of irregular arrivals has not decreased.[15]

75. Since 2009, a number of States have introduced legislation or policies to end immigration detention for certain categories of migrants, including Argentina, Belgium, Brazil, Canada, Hungary, Japan, Panama, South Africa, Sweden and Venezuela (Bolivarian Republic of). Recently, Japan provisionally released children from immigration detention and introduced a policy to prevent their detention in the future. It has also reduced the country's overall numbers of detained migrants, and developed working partnerships with local non-governmental organizations.

76. Several States have established limits on the time authorities are allowed to detain a migrant for administrative purposes, including the Czech Republic, France, Hungary, Ireland, Italy, Luxembourg, Morocco, the Netherlands, Nicaragua, Oman, Portugal, Slovakia, Spain, Sweden and Zambia.

77. Some States have applied alternative measures to detention for irregular migrants, with some explicitly acknowledging that particularly vulnerable groups, such as children, should not be detained. In Spain, the immigration detention of children is prohibited by law; such children are to be referred to services for the protection of minors and may be detained only with their parents in facilities that are appropriate for families.

78. Allowing migrants to retain their liberty and security of person while residing within the host community has proven to be one of the most effective and low cost approaches in alternatives to detention.[16] Migrants can be referred to community-based support models, such as shelters, where they have access to legal assistance, medical care, educational opportunities and psychosocial support.

79. All European Union countries, except for Cyprus and Malta, have legislated that alternatives to detention must be pursued prior to any decision for detention. The 2004 immigration law of the Bolivarian Republic of Venezuela prohibits detention and provides several alternatives that may be adopted within a deportation procedure, including reporting regularly to the competent authority, settling in a given locality during the administrative procedure and providing a financial security guarantee (for which the migrant's economic condition must be taken into account).

80. Risk assessment tools have been developed to assist immigration officers in making an informed decision on the necessity of immigration detention. Such risk

[15] See A/HRC/20/24, para. 8. There has been considerable momentum in recent years calling on States to explore effective alternatives to immigration detention, based, inter alia, on the principle of proportionality in international law, which requires detention to be approached as a measure of last resort. See the report of the Working Group on Arbitrary Detention (A/HRC/13/30 and Add.1-3). See also the proceedings and summary conclusions of the Office of the United Nations High Commissioner for Human Rights-Office of the United Nations High Commissioner for Refugees Global Round Table on Alternatives to Detention of Asylum Seekers, Refugees, Migrants and Stateless Persons, held in Geneva on 11 and 12 May 2011 (available from www.ohchr.org/EN/Issues/Migration/Pages/Roundtable.aspx).

[16] International Detention Coalition, "International immigration detention, trends and good practice", briefing paper (July 2013).

assessment tools limit unnecessary detention, improve consistency in decision-making and ensure that particularly vulnerable and low-risk individuals are never at risk of immigration detention. In the United States, migrants undergo an operational screening process in which they are screened using a nationwide risk assessment tool.

81. Under the international human rights framework, irregular entry or stay is an administrative offence and not a crime against persons, property or national security.[17] The guidance of human rights mechanisms is that States should not criminalize illegal entry or stay, including in order to reduce unnecessary detention.

82. In some countries, responses to human trafficking and smuggling of migrants have gone beyond criminal justice interventions to more comprehensive, rights-based and holistic policies. Through its *International Framework for Action to Implement the Smuggling of Migrants Protocol*, the United Nations Office on Drugs and Crime assists States in implementing the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, emphasizing that respecting the human rights of migrants is a means by which smuggling of migrants can be prevented and combated.

83. Certain practices to apprehend migrants in an irregular situation and the exchange of personal data between service providers, such as hospitals, school and civil registries, and law enforcement agencies disproportionately affect the human rights of migrants. The European Union Agency for Fundamental Rights has, together with States members of the European Union, the European Commission and non-governmental organization, developed a document of "dos and don'ts" providing guidance in that regard.[18]

J. Monitoring of and access to justice

84. The rights of migrants will remain vulnerable to abuse unless they enjoy protection under the law and are able to demand accountability. The human rights framework directs States to provide legal redress through quasi-judicial or judicial mechanisms to enable migrants to enforce their rights against State and non-State actors, without fear of detention and deportation.

85. Irregular migrant status can be a direct obstacle to access to justice. In some States, irregular migrants are not entitled to the labour rights guaranteed by the employment legislation because the contract of employment is deemed to be illegal in the absence of an employment permit. In other cases, irregular migrants cannot benefit from the right of legal representation, as notary offices would not issue a power of attorney. Migration status can also be an indirect obstacle to access to justice. Migrants in an irregular situation are often reluctant to approach public authorities to access health-care services, send their children to school, denounce crimes and human rights abuses or seek redress, for fear of losing their employment or being reported, sanctioned or expelled.

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[17] A/HRC/20/24, para. 13.

[18] European Union Agency for Fundamental Rights, "Apprehension of migrants in an irregular situation: fundamental rights considerations" (2012). Available from http://fra.europa.eu/en/news/2012/fundamental-rights-considerations-apprehending-irregular-migrants.

86. In the United States, legislation provides temporary legal migration status to migrants who are victims of certain crimes, including human trafficking.

87. In Georgia, legislation on the status of foreigners and stateless persons provides that migrants have the right to apply to courts and other State bodies in order to protect their persons, property and other rights and sets out that such individuals shall enjoy the same procedural rights as citizens. In Guatemala, every individual, regardless of his or her nationality, including migrants, has access to the courts of law and the labour and social security courts. In addition, migrants have access to the complaint mechanisms of the Office of the Human Rights Advocate.

88. Several measures have been adopted in Mexico to guarantee access to justice for irregular migrants, such as the creation of the public prosecution service for migrants in the state of Chiapas, as well as the protocols adopted by the National Institute of Migration in 2010 for the identification and assistance of migrants who are victims of crime.

89. In relation to immigration detention, some States have ensured that independent, regular detention monitoring is conducted at the national level. For example, such monitoring is conducted by the national human rights institutions of Fiji, Honduras, Mali, Mauritius, Mexico, Nicaragua, Nigeria, South Africa, Switzerland and Uganda, and the ombudsmen and independent commissions of Ecuador, Hungary, the former Yugoslav Republic of Macedonia, Maldives, Montenegro, the Netherlands, New Zealand, Poland, the Republic of Moldova, Senegal, Serbia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

VI. Conclusions and recommendations

A. Conclusions

90. A human rights-based approach to the design and implementation of migration policies means that States are obliged to formulate and scrutinize all such policies by measuring against human rights standards and benchmarks, and to strive to ensure that they are responsive to the human rights of all migrants, with a particular focus on the most vulnerable. There is increasing evidence that a human rights approach to migration policy leads to better and more sustainable human development outcomes. Educated, healthy and empowered migrants are better able to lift themselves and their families out of poverty and contribute to the wider community and economy in countries of origin, transit and destination.

91. When governed by rights-based policies, therefore, international migration can be an empowering experience, with development benefits for migrants, their families and their communities. Conversely, the absence of a human rights perspective can lead to policy formulation that responds more to populist, even xenophobic, demands, unrealistic policy goals or to flawed assumptions rather than to rational and evidence-based debate on the human costs and benefits of migration and measures to ensure protection of the human rights of migrants.

92. **Migration policies often do not recognize, for example, that migrant women are not always vulnerable and passive migration actors, or that migrant children are very often actors in (and not necessarily victims of) their own migration. Migration policies can be mistakenly premised on assumptions that migrants pose a criminal and security threat, rather than taking into account the reasons why they are arriving and working in host countries, their economic and social contributions and their need for specific development interventions.**

93. **In order to enhance the design and implementation of migration policies, States and other stakeholders should seek to improve the human rights-based governance of migration at the national, regional and international levels.**[19]

94. **There is a significant knowledge gap in relation to migration and human rights, which can limit the ability of States to design and implement rights-based migration policies. Human rights-based indicators are necessary in order to build capacity to develop such policy at the national and local levels, and to develop tools for monitoring, implementation, capacity-building and advocacy. A human rights perspective can help to reorient the collection of data to go beyond traditional sources and to analyse such sources as population statistics or economic indicators with an eye on vulnerability, discrimination and exclusion.**

B. Recommendations

95. **The Secretary-General welcomes the information received from Member States concerning legislation, regulations and policies to strengthen the protection of the human rights of all migrants and makes the following recommendations:**

(a) **Encourages States to include in their national reports to the universal periodic review mechanism of the Human Rights Council information on measures to protect the human rights of migrants;**

(b) **Encourages the Special Rapporteur on the human rights of migrants to continue to promote the protection of the human rights of migrants through dialogue with Member States;**

(c) **Encourages States to ratify all relevant international human rights instruments, in particular to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(d) **Underlines that States have an obligation under the core international human rights instruments to protect the human rights of all**

[19] In December 2012, the Secretary-General tasked the Office of the United Nations High Commissioner for Human Rights, in consultation with the Global Migration Group and other United Nations system partners, to prepare an analytical report on migration and human rights in order to promote a strong focus on the human rights of migrants in the 2013 high-level dialogue on international migration and development to be held on 3 and 4 October 2013, and beyond. See Office of the United Nations High Commissioner for Human Rights, "Migration and human rights: improving human rights-based governance of international migration" (2013); available from www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx.

individuals under their jurisdiction, regardless of their nationality or legal status;

(e) Recommends the adoption of comprehensive national plans of action, informed by international human rights standards, to strengthen the protection of the human rights of all migrants;

(f) Calls on States to take proactive positive measures to prevent and sanction discrimination against migrants, and to avoid their marginalization and social exclusion;

(g) Encourages States to ensure that all migrants, regardless of their legal status, have access to adequate health care, including preventive, curative and palliative health services, and protect their access to underlying determinants of health;

(h) Calls on States to recognize that everyone has the right to education, regardless of their or their parent's migratory status. The Secretary-General further encourages States to develop education strategies that strengthen the capabilities of marginalized communities as a whole, while specifically addressing the education needs of vulnerable migrants within such communities;

(i) Encourages States to establish firewalls and safeguards on information-sharing between public service providers, including health-care institutions and school administrators, and immigration authorities. Public service institutions should not be required to report or otherwise share data with immigration authorities, and guidance should be provided to institutions in that respect;

(j) Calls on States to ensure access to social security schemes by migrants, at a minimum when it is necessary to alleviate poverty and preserve human dignity, and to cooperate to enhance the portability of the social rights of migrants, including the rights of those in an irregular situation. The Secretary-General also encourages States to ensure equality of treatment in conditions of work between nationals and migrants, including those who are in an irregular situation, without any derogation even in private contracts. Migrant workers should have access to remedies, including in cases of violence and physical, mental or sexual abuse by employers, failure to pay wages and unlawful dismissal;

(k) Calls on States to end the criminalization of irregular migrants and to closely examine the demand and reasons for such migration. The Secretary-General also encourages States to take steps to end immigration detention and implement alternatives measures to detention for irregular migrants, and to review detention periods in order to avoid excessive detention of irregular migrants. Children should not be detained based on their migratory status or irregular entry into the country;

(l) Calls on States to recognize that migrants, particularly low-skilled, temporary and irregular migrants, have often been specifically locked out of development, and therefore to ensure that the situation of migrants is visibly disaggregated through the emerging post-2015 development agenda, as well as in the context of national development plans;

(m) Recommends the urgent development of relevant, valid and reliable knowledge on migration and human rights issues, including through the collection of data disaggregated on the basis of sex, age and legal status, while ensuring that such data-collection activities are in accordance with international standards on data protection and the right to privacy;

(n) Calls on States to develop human rights indicators on migration, in partnership with all relevant stakeholders including migrants themselves, in order to improve their capacity to design, implement and monitor human rights-based migration policies;

(o) Encourages States to enhance dedicated attention to the human rights of all migrants within the governance of international migration at the global, regional and national levels, in recognition of the fact that migration is fundamentally a human phenomenon and of the need to improve international cooperation and dialogue in this regard.

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Extreme poverty and human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, submitted in accordance with Human Rights Council resolution 17/13.

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Report of the Special Rapporteur on extreme poverty and human rights

Summary

In the present report unpaid care work is positioned as a major human rights issue. Focusing on women caregivers, particularly those living in poverty, the Special Rapporteur argues that heavy and unequal care responsibilities are a major barrier to gender equality and to women's equal enjoyment of human rights, and, in many cases, condemn women to poverty. Therefore, the failure of States to adequately provide, fund, support and regulate care contradicts their human rights obligations, by creating and exacerbating inequalities and threatening women's rights enjoyment.

The report analyses the relationship between unpaid care and poverty, inequality and women's human rights; clarifies the human rights obligations of States with regard to unpaid care; and finally provides recommendations to States on how to recognize, value, reduce and redistribute unpaid care work. Ultimately, it argues that State policies should position care as a social and collective responsibility, in particular through improving women's access to public services, care services and infrastructure.

13-42271

I. Introduction

1. The present report is submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, in accordance with Human Rights Council resolution 17/13.

2. The present report benefits from an expert meeting convened jointly with the Office of the United Nations High Commissioner for Human Rights and UN-Women on 13 and 14 May 2013.[1] The Special Rapporteur also disseminated a questionnaire on the topic of unpaid care work and she wishes to thank those civil society organizations and national human rights institutions that responded; the responses are available on the mandate's website.[2]

II. Scope and rationale of the report

3. For the purposes of this report, unpaid care work includes domestic work (meal preparation, cleaning, washing clothes, water and fuel collection) and direct care of persons (including children, older persons and persons with disabilities, as well as able-bodied adults) carried out in homes and communities.

4. The line between unpaid care work and other types of unpaid work — for example in subsistence agriculture or family businesses — is not always easy to draw.[3] However, unpaid (non-care) work is included in calculations of gross domestic product (GDP) and systems of national accounts and increasingly recognized in development programming and food security initiatives. In contrast, domestic work and caring for people has remained largely invisible in economic calculations, statistics, policy and political discourse, and is commonly undervalued by society and policy makers, despite the fact that its monetary value is estimated at from 10 to over 50 per cent of GDP.[4] Even human rights advocates and monitoring bodies have so far paid little sustained attention to the human rights implications of unpaid care work. This is highly problematic, given that care not only contributes to well-being, social development and economic growth but also has an enormous impact on the enjoyment of human rights of both caregivers and care receivers.

5. Considering the limited length of this report and the mandate's focus on extreme poverty and human rights, no attempt is made to assess the extensive issue of human rights and care holistically. Rather, the report focuses specifically on the human rights of unpaid caregivers, in particular women living in poverty who provide unpaid care. Other relevant human rights implications of unpaid care work — such

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[1] Information available from www.ohchr.org/EN/Issues/Poverty/Pages/UnpaidWork.aspx.

[2] See www.ohchr.org/EN/Issues/Poverty/Pages/UnpaidWork.aspx.

[3] For a summary of the distinctions, see Shahra Razavi, "The political and social economy of care in a development context", United Nations Research Institute for Social Development (UNRISD), Gender and Development Programme Paper No. 3, June 2007.

[4] Depending on the country/region and measurement used. An UNRISD study of six countries estimated 10 to 39 per cent (see Debbie Budlender, "The statistical evidence on care and non-care work across six countries", UNRISD, Gender and Development Programme Paper No. 4, December 2008), but measurements in different countries have been higher. Estimates for 2009-2010 in Australia suggest that the amount of unpaid care work undertaken was around 21.4 billion hours, equivalent to 50.6 per cent of GDP (S. A. Hoenig and A. R. E. Page, *Counting on Care Work in Australia*, report prepared by AEC*group* Limited for economic Security4Women, Australia, 2012).

as tensions between care and unwanted dependency, abuses against persons with disabilities or older persons, and children's right to receive quality care — are not addressed, and only brief recommendations are made on paid domestic work. The Special Rapporteur hopes that this report will nevertheless encourage broader discussion of the human rights implication of care work.

6. In 1995, the Beijing Declaration and Platform for Action highlighted the importance of tackling the unequal distribution of paid and unpaid work between men and women, as an essential step towards achieving gender equality. Unfortunately, very little progress has been made since that time. The neglect of unpaid care in policy persists, at great cost to caregivers themselves. Across the world, millions of women still find that poverty is their reward for a lifetime spent caring, and unpaid care provision by women and girls is still treated as an infinite, cost-free resource that fills the gaps when public services are not available or accessible. This report calls for a fundamental shift in this status quo, as part of States' fundamental human rights obligations. Without further delay, public policies should position care as a social and collective responsibility and treat unpaid caregivers and those they care for as rights holders.

III. Women's unpaid care work: the human rights framework

7. Across the world, women and girls commit substantially more time than men to unpaid care work.[5] This heavy and unequal responsibility for unpaid care is a barrier to women's greater involvement in the labour market, affecting productivity, economic growth and poverty reduction. Most importantly, however, the unequal distribution, intensity and lack of recognition of unpaid care work undermines the dignity of women caregivers, obstructs their enjoyment of several human rights on an equal basis with men, undermines progress towards gender equality and entrenches their disproportionate vulnerability to poverty across their lifetime.

8. States' actions or inactions define who has access to quality care and who bears the costs of its provision. For example, where public services are unavailable, of low quality or not sufficiently adapted to the needs of carers — for example, school hours that do not correspond with parents' working hours — the unpaid care work of families and communities is intensified. When the State fails to adequately regulate, fund or provide care, the burden shifts to families who have to make their own arrangements. Owing to gender stereotypes related to family and work, such as "male breadwinners", "women as carers/nurturers", this generally means that women assume the bulk of the work, to the detriment of their human rights enjoyment.

9. The difficulties, intensity and gendered distribution of unpaid care work create and perpetuate unequal rights enjoyment and gender inequality, and cause human rights violations. States therefore have concrete obligations in this regard. Various international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and

[5] See Debbie Budlender, *Time Use Studies and Unpaid Care Work* (New York, Routledge, 2010), and Marzia Fontana, "Gender dimensions of rural and agricultural employment", in *Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways out of Poverty — Status, Trends and Gaps* (Rome, Food and Agriculture Organization of the United Nations, 2010).

Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities establish legally binding obligations that ought to compel States to address the issue of unpaid care.

10. The international human rights framework is further complemented by labour standards, in particular International Labour Organization (ILO) Conventions such as Convention No. 156 on workers with family responsibilities, Convention No. 183 on maternity protection,[6] and Convention No. 189 concerning decent work for domestic workers. Compliance with all these obligations is essential in removing gender inequalities and discrimination and recognizing and redistributing unpaid care work.

11. As care is relational, in many ways the rights of caregivers are symbiotically intertwined with the rights of care receivers: overburdening caregivers with unpaid care work has an impact on the quality of the care they are able to provide. Therefore, when unpaid care work is not adequately recognized, supported or valued by the State, the rights of those who rely on care provision for their health, life and well-being may also be violated, particularly in low-income households.[7] For the rights of both caregivers and care receivers to be realized, the cost of care must be assumed by society more broadly.

A. Inequality and discrimination

12. In both developed and developing countries women work longer hours than men when unpaid work is taken into account.[8] However, because of structural discrimination, the work women do in the home is seen as unskilled and less valuable to society, meaning that men not only receive higher earnings but also more recognition for their contribution. This situation renders many women socially and financially dependent on men, thereby restricting their agency and autonomy.[9]

13. The unequal distribution of unpaid care work is highly reflective and determinative of power relations between women and men. Discriminatory gender stereotypes, which construe women as second-class citizens whose place is in the home, cause and perpetuate this unequal distribution of work, rendering women's equal enjoyment of rights impossible. Addressing care responsibilities is thus an essential component of the obligations of States to ensure gender equality at home, work and in society more broadly.

14. The amount, intensity and drudgery of unpaid care work increase with poverty and social exclusion. Women and girls in poor households spend more time in unpaid work than in non-poor households,[10] in all countries at all levels of

[6] See also corresponding International Labour Organization Recommendations Nos. 165 and 191.

[7] International Labour Organization (ILO) and United Nations Development Programme (UNDP), *Work and Family: Towards new forms of reconciliation with social co-responsibility* (New York and Geneva, 2009).

[8] See Rania Antonopoulos, "The unpaid care work-paid work connection", Levy Economics Institute, Working Papers Series (25 July 2008); Sarah Cook and Shahra Razavi, "Work and welfare: revisiting the linkages from a gender perspective", UNRISD Research Paper No. 7 (Geneva, 2012); ActionAid, *Making Care Visible: women's unpaid care work in Nepal, Nigeria, Uganda and Kenya* (February 2013); available from www.actionaid.org.

[9] Shahra Razavi, *The Political and Social Economy of Care in a Development Context*.

[10] See, for example, ILO and UNDP, *Work and Family*.

development.[11] This imbalance has a number of causes, including limited access to public services for people living in poverty, lack of adequate infrastructure in the regions and communities where they live, and lack of resources to pay for care services or time-saving technology.

15. For example, inadequate State provision of key infrastructure such as energy and water and sanitation facilities has a disproportionate impact on poor women and girls living in rural areas in developing countries, who spend large amounts of time collecting water and fuel for household use. Studies indicate that in sub-Saharan Africa 71 per cent of the burden of collecting water for households falls on women and girls,[12] who in total spend 40 billion hours a year collecting water, equivalent to a year's worth of labour by the entire workforce in France.[13]

16. Not only do women living in poverty perform the lion's share of unpaid care work, they also stay poor because they do so. Dedication to unpaid care work and resulting scarcity of time have significant financial and opportunity costs that perpetuate poverty among women.

17. Intensive unpaid care workloads create chronic time deficits, limiting opportunities for women and girls to access and progress in education, participate in income-earning activities and accumulate retirement incomes and savings, contributing to their higher vulnerability to poverty. Constraints imposed by care responsibilities also contribute to the concentration of women in low-waged, precarious, unprotected employment, in hazardous or unhealthy conditions with high risk to their health and well-being. Such jobs are less likely to enable them to lift themselves out of poverty. Ultimately, the combination of lack of time and social subordination restricts women's ability to participate on an equal footing in public life.

18. The situation is often even worse for women who experience discrimination and social exclusion on other grounds, such as ethnicity, race, colour, health or marital status. For example, in some countries discriminatory beliefs about marginalized ethnic minorities exacerbate their marginalization and are linked to the common overrepresentation of women of marginalized ethnic groups in low-paid unprotected work.

19. States' neglecting or failing to address women's disproportionate unpaid care workload can be seen as a major failure to comply with the obligations regarding equality and non-discrimination which are the pillars of international human rights law.[14] States must take all necessary measures to ensure that unpaid care work does not have a disproportionate impact on women's enjoyment of rights, and create the conditions to ensure that it is undertaken on a basis of equality between men and women.

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[11] See, for example, Australian Human Rights Commission, *Investing in Care: Recognising and Valuing Those Who Care*, vol. I, *Research Report* (Sydney, 2013).

[12] *The Millennium Development Goals Report 2012* (United Nations publication, Sales No. E.12.I.4).

[13] UNDP, *Resource Guide on Gender and Climate Change* (2009).

[14] See, inter alia, International Covenant on Civil and Political Rights, articles 2 (1) and 3; International Covenant on Economic, Social and Cultural Rights, articles 2 (2) and 3; and the Convention on the Elimination of All Forms of Discrimination against Women, especially articles 2 (f), 5 (a) and 11.

20. Human rights standards are concerned with the pursuit of substantive equality, rather than just formal equality. This is explicit in the approach of the Convention on the Elimination of All Forms of Discrimination against Women, which recognizes that achieving equality requires transforming unequal power relations between women and men and ensuring that all human beings can develop and make choices without the limitations set by stereotypes, rigid gender roles and prejudices.[15] The Convention emphasizes that a gender-neutral policy may result in de facto discrimination against women, and that, to ensure that women enjoy the same rights as men and reach substantive equality, they may need to be treated differently.

21. The Convention obliges States parties to take all appropriate measures to modify or abolish laws, regulations, customs and practices that discriminate against women (article 2 (f)). This includes the obligation to modify "the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). The gendered division of unpaid care work, fostered by stereotypes which delineate men as breadwinners and women as carers/nurturers, is clearly one such practice.

22. In order to ensure that women enjoy all their rights on equal terms with men, States must take all appropriate measures to ensure that care responsibilities are equally shared by men and women. The Convention expressly refers to the sharing of responsibility among men and women and wider society in regard to the upbringing of children (preamble). It notes that States parties must ensure "the recognition of the common responsibility of men and women in the upbringing and development of their children" (article 5). This provision requires States to combat patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men within the family and society at large,[16] and to address discrimination in education and employment and the compatibility of work requirements and family needs.[17] States must, inter alia, prohibit discrimination or dismissal on the grounds of pregnancy or maternity and ensure that men and women have equal opportunities to choose their profession or occupation (see for example articles 11.2 and 16).

23. While fostering sociocultural change is a medium- to long-term objective, ensuring the equal enjoyment of rights of men and women is an immediate obligation for States. Therefore they must take immediate actions to alleviate the intensity of women's unpaid care work and redistribute their disproportionate share, including through the "provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life" (article 11 (2) (c)).

24. States must not dismiss the distribution of unpaid care work between women and men as a matter for the private sphere. As stipulated in article 2 (e) of the Convention, the obligations of States include their duty to act with due diligence to

[15] Committee on the Elimination of Discrimination against Women, general recommendation No. 28, para. 22.

[16] See for example, CEDAW/C/SGP/CO/4, paras. 21-22; CEDAW/C/USR/CO/7, paras. 20-21; and CEDAW/C/MUS/CO/6-7, para. 18.

[17] Committee on the Elimination of Discrimination against Women, general recommendation No. 29, para. 8.

prevent violations of rights by private actors,[18] and the gendered division of labour in households is no exception in this regard. Inequality in these matters reflects and underlies many other aspects of discrimination against women[19] and therefore has much wider implications for women's equality in society.

25. Given the intimate connection between the position of women in the private sphere and their exclusion from full enjoyment of civil, cultural, economic, political and social rights, States must recognize the value and gendered impact of unpaid care work, and take appropriate action to ensure that its difficulty/intensity is lessened and its distribution shared more equally on both the societal and household levels.[20] The State has a strong role to play in this regard, for example by mobilizing resources and providing accessible affordable public services towards these ends.

B. Impact of unpaid care on the enjoyment of a range of rights

26. Women, especially women living in poverty, face multiple, overlapping and variable obstacles to their enjoyment of rights due to care responsibilities they carry throughout their life cycle. Girls may be withdrawn from school or unable to achieve their full potential owing to care work in the home, restricting their future opportunities; during pregnancy or early childcare women are more likely to face employment loss or labour insecurity; while older women find themselves with lower levels of retirement savings because of caring responsibilities. These life-cycle risks have a profound effect on the enjoyment of their rights as well as on the inter-generational transmission of poverty. If women are unable to enjoy a particular human right on an equal basis with men, this is unequivocally a violation of the right in question.

27. It is hard to think of a human right that is not potentially affected in some way by the unequal distribution and difficulty of unpaid care work. In this section, the focus is on specific economic, social and cultural rights as well as the right to participation, but this should not be interpreted as an exhaustive list. Excessive burdens of unpaid care work may threaten the enjoyment of other human rights by caregivers, such as freedoms of speech, association and assembly. Moreover, because unpaid care work is so time-consuming and arduous, especially for women living in poverty, women are often unable to enjoy their right to rest and leisure .[21]

1. The right to work

28. The right to work is often a crucial enabling factor for dignity, personal development and social and economic inclusion.[22] The right to work signifies the right to paid work — "the right of everyone to the opportunity to gain his living by

[18] Committee on the Elimination of Discrimination against Women, general recommendation No. 19.
[19] Committee on the Elimination of Discrimination against Women, general recommendation No. 16.
[20] Committee on the Elimination of Discrimination against Women, general recommendation No. 29, para. 18.
[21] Universal Declaration of Human Rights, article 24.
[22] Committee on Economic, Social and Cultural Rights, general comment No. 18.

work which he freely chooses or accepts".[23] Men and women must be able to exercise this right on equal basis.[24]

29. Undoubtedly, women cannot enjoy this right equally if they have a disproportionate share of (unpaid) work at home. Gendered distribution of, and stereotypical assumptions about, family and caring responsibilities are at the root of much of the discrimination and limitations women experience in the labour market: barriers to entering employment, fewer opportunities for advancement, lower wages and higher levels of informal and insecure work.[25] Moreover, women's right to decent work is consistently perceived as inferior to that of men. Simultaneously, discrimination against men who seek to perform a greater share of caring and family responsibilities further entrenches gender stereotypes and disadvantages women.

30. Unpaid care is often a determining factor in women's decisions or opportunities regarding work. Studies show that time devoted to unpaid care work is a major obstacle to women taking on paid employment or starting an income-generating activity outside the home.[26] In Latin America and the Caribbean, over half of women surveyed aged 20 to 24 did not seek outside employment because of unpaid responsibilities; the number of women in this group was in fact higher than the number in the education system.[27]

31. Guaranteeing the exercise and enjoyment of women's right to work on an equal basis with men requires that States take all appropriate measures to ensure "that in law and in practice, men and women have equal access to jobs at all levels and all occupations".[28] States must thus take all appropriate measures to address a broad range of obstacles that care providers face in the exercise of their right to work. Given the centrality of unpaid care work to discrimination against women in the field of work, a meaningful gender-sensitive national policy or strategy to tackle these obstacles is essential.[29] Necessary measures range from the adoption of appropriate labour regulations to the provision of quality services to support care.

32. States are also obliged to take steps to prevent third parties, including business enterprises or private individuals, from interfering in the equal enjoyment of the right to work. For example, States have a legal obligation to ensure that employers do not discriminate against women on the basis of assumptions about the primacy of their care obligations or because of beliefs that women's place is in the home.

33. The right to work also requires States parties to take positive measures to enable and assist unpaid caregivers to enjoy the right to work without discrimination and to implement technical and vocational education plans to facilitate access to

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[23] International Covenant on Economic, Social and Cultural Rights, article 6.

[24] Ibid., article 3; and Convention on the Elimination of All Forms of Discrimination against Women, article 11.

[25] ILO and UNDP, *Work and Family*.

[26] In the United Republic of Tanzania, a one-hour reduction for every 10 hours per week spent on water and fuel collection increased the probability that women would engage in off-farm business activities by 7 per cent; see UNDP, *Unpaid Care Work*, Gender Equality and Poverty Reduction Policy Brief, issue No. 1 (October 2009). See also Fontana, "Gender dimensions of agricultural and rural employment".

[27] Antonopoulos, "The unpaid work-paid work connection", citing data from the Economic Commission for Latin America and the Caribbean.

[28] Committee on Economic, Social and Cultural Rights, general comment No. 16.

[29] ILO Convention No. 111.

employment.[30] To this end, States will need to actively consider the constraints faced by unpaid caregivers in the design and implementation of plans, programmes and other measures. Moreover, States must take measures to progressively ensure access to quality and affordable public services, such as facilities for children and dependents, that enable caregivers to undertake paid work.[31]

2. Rights at work

34. Under human rights law, all persons have the right to just and favourable conditions of work, including remuneration which provides at a minimum fair wages, equal pay for equal work and a decent living; safe and healthy working conditions; and rest, leisure, reasonable limitation of working hours and periodic holidays with pay.[32] There are complex links between inequality at home and inequality in the workplace, including unequal pay, conditions and rights.

35. The gendered division of unpaid care work is a major reason why women do not enjoy equal rights at work, including fair and equal wages and safe and healthy working conditions. All too often, unpaid care and lack of institutional support for this work traps women between stereotyped gender roles and economic expediency,[33] pushing them into precarious informal employment that is badly paid and involves long hours in difficult conditions. Care responsibilities may also create a barrier to membership of, or active participation in, trade unions for women. As a result, for many women living in poverty with unpaid care responsibilities, work is not empowering but rather a survival necessity.[34]

36. States must identify and eliminate the underlying causes of inequality and discrimination in this context, including the causes of pay differentials, and reduce the constraints faced by men and women in reconciling professional and care responsibilities.[35]

37. Also relevant — given that unpaid caregivers are disproportionately represented in informal jobs — are State obligations to reduce to the fullest extent possible the number of workers outside the formal economy, apply labour legislation to all workers, and ensure that domestic and agricultural work is properly regulated so that domestic and agricultural workers enjoy the same level of protection as other workers.[36]

38. International labour standards also address equal opportunities and equal treatment for men and women workers with family responsibilities.[37]

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[30] Committee on Economic, Social and Cultural Rights, general comment No. 18, para. 27.

[31] International Covenant on Economic, Social and Cultural Rights, article 6 in conjunction with article 2 (1); and Convention on the Elimination of All Forms of Discrimination against Women, article 11 (2) (c).

[32] International Covenant on Economic, Social and Cultural Rights, article 7.

[33] Hania Sholkamy, "How private lives determine work options: reflections on poor women's employment in Egypt", in Ayşe Buğra and Yalçin Özkan (eds.), *Trajectories of Female Employment in the Mediterranean* (London, Palgrave Macmillan, 2012).

[34] Ibid.

[35] Committee on Economic, Social and Cultural Rights, general comment No. 16, para. 24.

[36] Committee on Economic, Social and Cultural Rights, general comment No. 18, para. 10.

[37] ILO Convention No. 156 and corresponding ILO Recommendation No. 165.

3. Right to education

39. Unpaid care work can also compromise the enjoyment of the right of girls and women to education.[38] Entrenched gender stereotypes about the place of women in the home and the family, and the unpaid care work girls and women are expected to perform throughout their lives, often deprive women and girls of time, autonomy and choice to exercise this right.

40. Owing to structural discrimination, girls are sometimes taken out of school to undertake unpaid care work, such as housework and care of younger children. Even more frequently girls' equal chances to achieve in education are hampered because they have less time for studying, networking or socializing at school as a result of these duties. This is likely to occur especially when mothers are disabled or deceased, as girls are expected to assume their unpaid care obligations.[39] For women with children, lack of support, from within the household and from the State, may mean that they have to forsake skills development, training opportunities and further education in order to undertake childcare and domestic work. Therefore, women and girls are not able to enjoy their right to education, or its positive effects such as empowerment and economic opportunity, on an equal basis with men, with great social and economic losses to the society as a whole.

41. States must take all appropriate measures to ensure that women can enjoy the same access to, quality of and opportunities in education and training as men.[40] The prohibition against discrimination in relation to the right to education[41] applies fully and immediately to all aspects of education;[42] therefore States must ensure that girls and women can enjoy their right to all types and levels of education on an equal basis with boys and men. This may require the adoption of concrete measures to ensure that unpaid care work in the home does not interfere with their schooling, for example, providing accessible public services and adequate infrastructure to support the unpaid care work in households and communities and reduce its time burden.[43] According to the Committee on Economic, Social and Cultural Rights, States' obligations in regard to the right to education encompass ensuring that communities and families are not dependent on child labour and that third parties, including parents and employers, do not stop girls from going to school.[44]

42. In addition, States must closely monitor education policies, institutions, programmes, spending patterns and other practices so as to identify and take measures to redress any de facto discrimination in the right to education.[45] States are also required to eliminate any stereotyped concept of the role of men and

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[38] International Covenant on Economic, Social and Cultural Rights, article 13; Convention on the Elimination of All Forms of Discrimination against Women, article 10.

[39] A. E. Yamin, V. M. Boulanger, K. L. Falb, J. Shuma and J. Leaning, "Costs of inaction on maternal mortality: qualitative evidence of the impacts of maternal deaths on living children in Tanzania", PLoS ONE 8(8): e71674. doi:10.1371/journal.pone.0071674 (August 2013).

[40] Convention on the Elimination of All Forms of Discrimination against Women, article 10.

[41] International Covenant on Economic, Social and Cultural Rights, article 13.

[42] Committee on Economic, Social and Cultural Rights, general comment No. 13, para. 31.

[43] For example, a project in rural Morocco that reduced the time girls spent fetching water contributed towards a 20 per cent increase in girls' school attendance. UN-Water, *Gender, Water and Sanitation: A Policy Brief*, June 2006; available from www.unwater.org.

[44] Committee on Economic, Social and Cultural Rights, general comment No. 13, paras. 55 and 50.

[45] Ibid., para. 37.

women in all forms of education, and encourage types of education that will break these stereotypes.[46]

4. Right to health

43. The right to health[47] may also be affected by unpaid care work. There are limits to how much care a person can give without negative impacts on their own health. Thus, when public policies implicitly assume the free and limitless availability of unpaid care, and fail to take it into account by supporting, funding or provisioning care, this can have a major impact on the health of women caregivers and the quality of care that they are able to provide.

44. Unpaid care work can be arduous, stressful, emotionally difficult and even dangerous — for example through exposure to communicable diseases, fumes or burns from cooking stoves or risk of attack or assault while fetching fuel or water. If left unsupported, the mental and physical health of women with heavy unpaid care responsibilities may deteriorate dangerously;[48] for example studies show that HIV/AIDS caregivers experience a negative impact on physical and mental health.[49] Moreover, women with heavy unpaid care workloads may not be able to access adequate healthcare for lack of time or money. This is especially so in contexts where there is no free universal basic healthcare, or where communities living in poverty are underserved by health services.[50]

45. The right to health requires States parties to provide quality and accessible health care and take measures to ensure the underlying determinants of health. This includes access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, and also healthy occupational and environmental conditions,[51] which clearly many unpaid caregivers living in poverty do not enjoy.

46. As part of their core obligations States must ensure the right of access to health facilities, goods, information and services — including in the area of sexual and reproductive health — on a non-discriminatory basis, especially for vulnerable or marginalized groups.[52] They must therefore remove all barriers to access for women living in poverty with unpaid care responsibilities, and provide services that are sensitive to gender and life-cycle requirements, including the demands and constraints of unpaid care work, for example by providing childcare facilities and

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[46] Convention on the Elimination of All Forms of Discrimination against Women, article 10 (c).

[47] International Covenant on Economic, Social and Cultural Rights, article 12.

[48] For example, according to Carers UK research, 79 per cent of unpaid carers in Scotland experience mental ill-health as a result of caring. Scottish Human Rights Commission, *Getting it Right? Human Rights in Scotland*, October 2012; available from www.scottishhumanrights.com.

[49] Olagoke Akintola, "Towards equal sharing of care responsibilities: learning from Africa", paper prepared for an Expert Group Meeting organized by the Division for the Advancement of Women of the Department of Economic and Social Affairs of the United Nations Secretariat, 6-9 October 2008.

[50] A. E. Yamin, "Toward transformative accountability: applying a rights-based approach to fulfil maternal health obligations", *Sur — International Journal on Human Rights*, vol. 7. No. 12 (June 2010).

[51] Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 11.

[52] Ibid., paras. 11 and 21.

services within the community. States also have an obligation to ensure, as a matter of priority, access to reproductive, prenatal, postnatal and child health care.[53]

47. Ensuring the enjoyment of rights of other members of the population — such as older persons, children and persons with disabilities — will also prove beneficial to their caregivers, by alleviating and redistributing intensive care needs. In this regard, inter alia, States are required to provide physical as well as psychological rehabilitative measures aimed at maintaining the functionality and autonomy of older persons; and attention and care for chronically and terminally ill persons.[54]

5. Right to social security

48. The right to social security[55] provides that all persons have the right to equal enjoyment of adequate protection from social risks and contingencies, through contributory (social insurance) or non-contributory (social assistance) schemes, without discrimination of any kind.[56] Social security benefits such as old age pensions, child benefits and unemployment benefits, while not directly providing care, can play an important role in helping households purchase essential inputs (food, school materials, and health services) or to pay for care services where necessary.

49. However, the demands of unpaid care work often force women into precarious and informal jobs not covered by social insurance schemes linked to employment, such as paid parental leave, unemployment insurance or pensions. This further contributes to their poverty and economic dependency on men.

50. Even those women who are able to combine unpaid care work with formal jobs are disadvantaged; their work histories and social security contributions are more likely than those of men to be interrupted by periods of full-time caregiving, and therefore they are less likely to receive an adequate pension on retirement. Thus, the gendered division of unpaid care work is one of the key reasons why older women are more likely to live in poverty than their male counterparts.

51. In contexts where the majority of the population is not formally employed and does not benefit from contributory social insurance, social assistance schemes such as social transfers are critical to ensure sufficient income for an adequate standard of living, and to purchase the necessary inputs into caregiving. Under human rights law, States parties are obliged to establish non-contributory schemes in order to uphold this right for the most disadvantaged and marginalized groups.[57] For example, social pensions often play a critical role in ensuring that women receive adequate protection in old age (see A/HRC/14/31).

52. Policymakers must ensure that unpaid care work does not hamper women's equal enjoyment of the right to social security. Social security and social assistance programmes must take account of women's unequal burden of unpaid care work.[58] For example, States must take measures to ensure that social insurance schemes are

[53] Ibid., para. 44.
[54] Ibid., para. 25.
[55] See, for example, Universal Declaration of Human Rights, articles 22 and 25; and International Covenant on Economic, Social and Cultural Rights, article 9.
[56] Committee on Economic, Social and Cultural Rights, general comment No. 19.
[57] Ibid., paras. 23 and 50.
[58] Ibid., para. 32.

designed to take account of factors, including child-rearing periods, that prevent women from making equal contributions.

53. States must ensure that women and men must have an equal right to family benefits[59] and these should be provided taking into account the resources and circumstances of the household. All women, including those in informal or atypical work, should be granted paid maternity leave and benefits for an adequate period and States must take steps to the maximum of their available resources to ensure that social security systems cover persons working in the informal economy.[60]

6. Right to enjoy the benefits of scientific progress

54. Lack of access to infrastructure and technology, including water and sanitation facilities, electricity and domestic technologies, exacerbates the unpaid care work of women living in poverty who have to dedicate a huge amount of time to domestic tasks such as fetching water or preparing foods. For example, a study in the Democratic Republic of the Congo showed that women with traditional stoves worked as much as 52 hours per week more than would be necessary with fuel-efficient stoves.[61]

55. Because unpaid care work is unrecognized and undervalued, Governments rarely make investments in the development and distribution of affordable technology that could significantly reduce the intensity and duration of women's work within the home. Lack of access to such technologies undermines women's well-being and reduces the time they can allocate to the more interactive part of care that would better improve the well-being of care recipients.

56. States must ensure that unpaid caregivers, in particular in deprived and remote areas, enjoy the right to enjoy the benefits of scientific progress and its applications[62] without discrimination. A core element of this right is that innovations essential for a life with dignity should be accessible to everyone, in particular marginalized populations (A/HRC/20/26, para. 29).

57. To this end, States should ensure the physical availability and economic affordability of inexpensive technologies, such as grain mills and fuel-efficient stoves, as well as the basic infrastructure, such as electricity, that could significantly reduce the amount and drudgery of women's work within the home. In remote and isolated areas, access to technology for water delivery is particularly relevant. States must facilitate improved and sustainable access to water, particularly in rural and deprived urban areas; they also have an immediate obligation to ensure that women are not disproportionately bearing the burden of water collection.[63]

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[59] Convention on the Elimination of All Forms of Discrimination against Women, article 13 (a).

[60] Committee on Economic, Social and Cultural Rights, general comment No. 19, paras. 18, 19 and 34.

[61] Bourque and Kega-Wa-Kega, "Assessing the impact of fuel-efficient stoves in Minembwe", Oxfam Germany, unpublished paper, 2011.

[62] International Covenant on Economic, Social and Cultural Rights, article 15; and Universal Declaration of Human Rights, article 27.

[63] Committee on Economic, Social and Cultural Rights, general comment No. 15, paras. 26 and 16 (a).

7. Right to participation

58. Owing to systematic gender inequality and discrimination, the lack of value assigned to their work, its location in the domestic sphere and the time it entails, unpaid caregivers are often chronically disempowered and unable to enjoy their right to participation[64] in cultural, social, political and economic life (see A/HRC/23/36).

59. One of the most significant factors inhibiting women's capacity to participate in public life is men's failure to share unpaid care work, and the lack of services supporting this work.[65] Intense and unequal care responsibilities often confine women to the domestic sphere, excluding them from paid work and public life and preventing them from participating in important decision-making processes at the community and national level.

60. Lack of women's perspective in policymaking on agriculture, water and food management, despite their being key actors in these areas, results in misinformed decision-making and jeopardizes women's rights further. Similarly, policy discussions at all levels suffer from an inherent bias because women and men with intensive caring responsibilities are not present, contributing to the invisibility and inattention to care work in public policy.

61. As the Committee on the Elimination of Discrimination against Women has stated, relieving women of some of the burdens of domestic work would allow them to engage more fully in the life of their communities.[66] In the short term, States must ensure that women's unpaid care responsibilities are not a barrier to their participation in public and political life on an equal basis with men, at the national, regional and local levels (see A/HRC/23/36). In the long term, to ensure women's full and equal enjoyment of this right, States must work towards an equal distribution of unpaid care work, including by tackling traditional gender norms and stereotypes.

IV. The urgency of prioritizing care in policy

62. Addressing care as a human rights issue is particularly imperative at this time when, owing to several factors and trends, caregiving arrangements are under great pressure. Rising levels of female education and workforce participation, and changes in the organization of labour and production — for example increased job turnover and decreased social security coverage — has squeezed the time that families can allocate to care. Simultaneously, water, fuel and food shortages, climate change,[67] major health crises and migration have intensified care needs and responsibilities, particularly in developing countries. Through all of this, the

[64] Universal Declaration of Human Rights, articles 21 and 27; International Covenant on Civil and Political Rights, article 25; International Covenant on Economic, Social and Cultural Rights, articles 13.1 and 15.1; and Convention on the Elimination of All Forms of Discrimination against Women, articles 7, 8, 13 (c) and 14.2.

[65] Committee on the Elimination of Discrimination against Women, general recommendation No. 23, para. 10.

[66] Ibid., para. 11.

[67] Climate changes have led to excessive rain, dust or temperatures, exacerbating difficulties in accessing fuel and clean water.

stereotypical view of gender roles in the household has not changed significantly.[68] Disastrously, many States have failed to respond to these challenges in a rights-based and inclusive manner, instead cutting back on social investment and in particular failing to provide accessible and quality public services.

63. In this section, the impacts of the HIV/AIDS pandemic, global migration and austerity measures will be examined, because of their profound ongoing effects on the unpaid care of women living in poverty.

64. The HIV/AIDS pandemic has severely disrupted and/or increased unpaid care work in many countries. Women are affected by the virus in greater numbers than men[69] and also, in conjunction with girls, provide 70 to 90 per cent of HIV/AIDS care.[70] Caring for an AIDS patient can increase the workload of a family caretaker by one third,[71] so that scarce family financial resources, as well as women's time, are stretched even further. The Special Rapporteur has seen herself during country visits how in communities ravaged by HIV/AIDS the desperate care needs of the sick as well as orphans and other vulnerable children all too often go unmet by the State. Instead, grandmothers, aunts or older girls struggle to fill the care deficit. Moreover, the burden of caring is disproportionately borne by people living in poverty, especially in rural areas, even in those contexts where HIV is more common among urban, wealthier people.[72]

65. Many States with high rates of HIV/AIDS rely on home-based care undertaken by family or community members, essentially shifting the responsibility for care from public institutions to women living in poverty.[73] The long-term social and economic costs of this strategy have been greatly underestimated. Women may have to give up or lose their jobs involuntarily and are likely to find it difficult to return to work, while women who are self-employed may lose earning opportunities. Eighty per cent of family caregivers in South Africa have reported reduced income levels.[74] States' failure to provide meaningful support or alternatives to home-based care impedes greater gender equality, intensifies the poverty and insecurity of whole households, and also threatens the rights, health and well-being of those requiring care.

66. In many countries in the global South, growing numbers of women are compelled to migrate in order to provide for the future of their family, often as a result of shortages of well-remunerated jobs at home. Often migrant women take on jobs abroad as domestic workers, in what has been called the "global care chain". Migrant workers therefore fill the unmet need for care services in the richer destinations, while family members that remain at home must devise new strategies

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[68] World Bank, *On Norms and Agency: Conversations about Gender Equality with Women and Men in 20 Countries* (Washington, D.C., 2012).

[69] Women account for nearly 60 per cent of people living with HIV in sub-Saharan Africa (Joint United Nations Programme on HIV/AIDS (UNAIDS), *Report on the Global AIDS Epidemic 2012*).

[70] UNDP, *Unpaid Care Work*.

[71] UNAIDS, United Nations Population Fund and United Nations Development Fund for Women, *Women and HIV/AIDS: Confronting the Crisis* (New York and Geneva, 2004).

[72] Debbie Budlender and Ruth Meena, "Unpaid and overstretched: coping with HIV & AIDS in Tanzania", in Shahra Razavi and Silke Staab (eds.), *Global Variations in the Political and Social Economy of Care: Worlds Apart* (United Kingdom, Routledge, 2012).

[73] Akintola, "Towards equal sharing of care responsibilities".

[74] Anesu Makina, "Caring for people with HIV: state policies and their dependence on women's unpaid work", *Gender and Development*, vol. 17, No. 2 (2009).

for reorganizing tasks and care responsibilities in their absence.[75] Overall, this intensifies the care deficit in poorer countries.

67. Women's migration generally does not prompt changes in the sexual division of labour; the extra unpaid care responsibilities usually fall to older women and girls within the household or community. These global care chains reflect and, in some ways, exacerbate enormous inequalities in terms of class, gender and ethnicity. The people who make up the chains, from the first to the last link, are almost exclusively female, often belong to an ethnic minority in their destination country, and generally cannot rely on State support for their care responsibilities.[76]

68. Recently, austerity measures in both developed and developing countries[77] have engendered massive expenditure cuts, including to public services and social protection budgets. As infrastructure and public services are eroded and formal employers contribute less to the costs of care, care responsibilities are shifted back to families, while purchasing basic commodities and care substitutes becomes difficult because of the fall in earnings and the high unemployment rate.[78] Simultaneously, in some developed countries policies intending to remove women from welfare benefits and force them into employment are being implemented, in a context of high unemployment and labour flexibility, and where childcare services are inadequate. As a consequence of these measures women's time is further stretched and their unpaid care work increases, especially in households living in poverty;[79] indeed, it is implicitly expected to act as an unlimited and cost-free alternative to public services and as a shock-absorber for the crisis.

V. Policy implications and recommendations to States

69. **When States do not adequately provide, fund, value and regulate care, women inevitably take on a greater share of its provision, to the detriment of their enjoyment of human rights. States must therefore adopt all necessary policy measures in order to achieve the recognition, reduction and redistribution[80] of unpaid care work. The international human rights framework, which rests strongly on the principles of non-discrimination and equality, and the obligations and accountability of States, must be an important source of guidance in this regard.**

70. **Public policies should position care as a social and collective responsibility rather than an individual problem, and treat unpaid caregivers and those they**

[75] Fiona Williams, "Making connections across the transnational political economy of care", in Anderson and Shutes (eds.), *Care and Migrant Labour: Theory, Policy and Politics* (forthcoming 2014).

[76] ILO and UNDP, *Work and Family*.

[77] Although the imposition of austerity measures has been most documented in Europe, recent findings suggest that fiscal contraction is most severe in the developing world. Isabel Ortiz and Matthew Cummins, *The Age of Austerity: A Review of Public Expenditures and Adjustment Measures in 181 Countries* (Initiative for Policy Dialogue and the South Centre, New York and Geneva, 2013).

[78] European Women's Lobby, *The Price of Austerity: The Impact on Women's Rights and Gender Equality in Europe* (October 2012).

[79] Fontana, "Gender dimensions of agricultural and rural employment".

[80] The "recognize, reduce and redistribute" framework was first conceptualized by Diane Elson. See UNDP, *Unpaid Care Work*.

care for as rights holders. A transformative approach is clearly required under human rights law, including tackling gender stereotypes and traditional roles.[81] In order to move effectively towards this, State policies must recognize and value the importance of unpaid care, but without reinforcing care work as women's sole responsibility or supporting particular models of the family to the exclusion of others.

71. As the causes and consequences of unpaid work inequalities are multilayered, multiple and complementary, policy interventions to effectively remedy their negative effects will be necessary. The recommendations in the present report concentrate on the measures that are most likely to be accessible and effective for women living in poverty. In this regard, the Special Rapporteur places particular emphasis on the imperative for States to provide accessible and high-quality public services and infrastructure, in particular in the most disadvantaged areas. Conversely, the report does not contain detailed recommendations on issues like parental leave, maternity pay and flexible work arrangements. Despite the importance of these measures, in the context of extensively informal employment relations they would not reach the vast majority of women living in poverty around the world.

72. Both developed and developing countries have voluntarily assumed international human rights obligations regarding women's human rights and gender equality that require them to take immediate actions to address unpaid care work. Addressing unpaid care is not an option that States can choose to act upon only after achieving a certain level of development. Still, given the wide diversity of country contexts, States must consider which specific policy options are most relevant given the challenges they face in achieving gender equality. For example, measures related to physical infrastructure and timesaving domestic technologies may be more of an imperative in low-income countries.

73. In line with the human rights approach, all policies must be participatory in their design and implementation, provide for accountability and redress mechanisms and be based on the objective to meaningfully empower women socially, politically and economically.

A. Establishing a consistent and comprehensive legal and policy framework

74. A wide range of laws and legislation are relevant to addressing unpaid care work. These include employment law, anti-discrimination law, family law, and legislation focused specifically on carer's rights. States must go beyond gender-neutral responses and ensure that laws and policies in all these areas actively alleviate the disadvantages that unpaid caregivers experience. To this end, States should develop mechanisms to ensure that laws and policies do not have unintended adverse effects on unpaid caregivers and do not enforce or perpetuate gender stereotypes.

75. First, those States that have not ratified the Convention on the Elimination of All Forms of Discrimination against Women should do so

[81] See, for example, Convention on the Elimination of All Forms of Discrimination against Women, article 5.

urgently. All States should remove any reservations to the Convention and ensure its full and effective implementation, and also ratify the Optional Protocol. They should also ratify ILO Conventions Nos. 156, 183 and 189 and ensure that national legislation is brought fully into conformity with these and their corresponding Recommendations.

76. In order to create an enabling legal framework, States must ensure comprehensive equality and non-discrimination legislation. This should include explicit prohibition of discrimination on the basis of maternity and family or carer responsibilities in all areas of public life, and the right to equal pay for equal work. These laws and regulations must cover part-time,[82] atypical and informal workers. Similarly, the legal framework must include reproductive rights, prohibit child marriage and remove any remaining family laws in place, including those relating to divorce, inheritance and division of marital property.

77. Labour rights should also be enshrined in law, including regulation of the length of the working day, minimum wage and rights to social security for all workers, including informal workers, domestic workers and community care workers. The right to maternity and parental leave should also be enshrined in legislation. All workers, regardless of gender, employment status, company size or the specific nature of their care relationship, should enjoy a legal right to request flexible working, with recourse to an independent appeal system.

78. The rights of carers should be explicitly recognized in legislation, with reference to their right to social security and their right to an adequate standard of living, including through income support where necessary. These rights can be elaborated through the development of national care standards and/or carer recognition legislation with enforceable obligations, based on human rights principles including equality and non-discrimination, self-determination, autonomy and participation.

B. Measuring unpaid care work

79. Lack of timely, reliable and comparable sex-disaggregated data on women's unpaid care work is a major obstacle to evidence-based gender-sensitive policymaking, leading to negative outcomes for those who perform significant amounts of unpaid work. States should therefore conduct regular time-use surveys, with a view to recognizing, reducing and redistributing unpaid care work.[83]

80. Time-use data collected must be sufficiently detailed to inform gender-sensitive policies:[84] disaggregated by sex and age, measuring simultaneous activities, including and differentiating housework, care of persons and fuel and water collection. Data collection methods must be inclusive of socially

[82] See ILO Convention No. 175.

[83] In Committee on the Elimination of Discrimination against Women general recommendation No. 17 and the Beijing Platform for Action States are also urged to develop methods for assessing the value of unremunerated work.

[84] See Valerie Esquivel, "Sixteen years after Beijing: what are the new policy agendas for time-use data collection?", *Feminist Economics*, vol. 17, No. 4 (2011).

excluded persons and/or people living in extreme poverty, for example by adapting surveys for illiterate respondents. Time-use surveys can also be collected as modules in household surveys and in general labour force surveys, with a view to generating quality data.[85]

81. Careful measurement of unpaid care work will allow a more comprehensive vision of socioeconomic and gender inequalities and the characteristics of poverty. States should consider adopting a multidimensional measure of poverty that includes time poverty and distribution of unpaid work time.[86]

82. Improving recognition of unpaid care work also necessitates making the data collected available and accessible, and informing and sensitizing public officials and the general public about the distribution, importance and effects of such work. The data collected should be used to assess the impact of economic and social policies on the intensity and distribution of unpaid care work in the household. It should be used proactively in gender-sensitive policymaking, including budgeting. To this end, it will be necessary to train policymakers and public officials to understand the data, and enhance their capacity to analyse it and use it in policy, programming and budgeting.

C. Applying a care perspective in policymaking

83. States must ensure that a consideration of care work, and its gendered distribution and impact, is systematically integrated into policies across all relevant sectors, including macroeconomic policies.

84. States should take a comprehensive and holistic approach, considering both the needs and well-being of caregivers and care receivers when making policy and addressing the rights enjoyment of both groups. Before new public policies are implemented, their impact on the quality, amount, intensity and distribution of unpaid care work should be assessed.

85. Fiscal and macroeconomic policies are no exception. In order to better uphold the human rights of women caregivers living in poverty, States should, inter alia, design tax systems to proactively promote an equal sharing of both paid and unpaid work between women and men, and implement food and fuel price stabilization policies. Especially given the effects of unpaid care on productivity and the labour force, States should analyse and design macroeconomic policy taking into account unpaid care. Expenditure cuts must not be made in ways that add to the amount of unpaid work that women have to do in families and communities. Similarly, employment creation programmes must not ignore the reality of unpaid care work, as the long-term effects of precarious work, and care deficits to children, ill or elderly persons may far outweigh the short-term gains in income for individuals or countries.

86. All policies and programmes across all sectors should challenge gender stereotypes related to unpaid care work and promote its more equal

[85] See Valerie Esquivel, Debbie Budlender, Nancy Folbre and Indira Hirway, "Explorations: time-use surveys in the south", *Feminist Economics*, vol. 14, No. 3 (2008).

[86] See Rania Antonopoulos, Thomas Masterson and Ajit Zacharias, *The Interlocking of Time and Income Deficits: Revisiting Poverty Measurement, Informing Policy Responses* (UNDP, 2012).

distribution. For example, any financial support to carers should be paid to the primary caregiver regardless of sex, biological relationship to the care receiver or the form of the household or family. Similarly, social assistance programmes must be designed taking into account the intense unpaid care responsibilities of women living in poverty. Thus, collecting payments, or meeting co-responsibilities, such as ensuring a child's attendance at school, must not significantly increase the already heavy workloads of women, and programmes must not reinforce the maternal/caring roles of women without involving men.

87. **States must ensure that social protection systems do not create significant inequalities between those who have an interrupted participation in the labour force — due for example to parenthood, care for older persons or persons with disabilities — and those who do not. At a minimum, States must provide universal non-contributory social pensions that are sufficient for an adequate standard of living, and ensure that women living in poverty can access them. The introduction of carer credits into a country's pension or superannuation system can provide a method of explicitly recognizing those years spent providing unpaid care.**[87]

88. **All social protection programmes, including employment guarantee programmes, must be participatory, gender-sensitive and accessible to women with care responsibilities. Information regarding social protection programmes and eligibility must reach women living in poverty working in the home, through locally adapted and gender-sensitive communication strategies.**

89. **In order to move towards women's equal enjoyment of the right to work, an unpaid care perspective on labour market policies is also crucial. Various measures should be considered to eliminate de facto sex discrimination in employment, for example financing parental leave or maternity benefits publicly, putting in place policies to help people back into work once they have taken time out of the labour force, and incentivizing carer-friendly employment practices and work arrangements, in collaboration with trade unions, industry bodies and employers. Certainly, States must proactively address the persistence of gender-based wage gaps and link job creation to an increase in the supply of care through expanded public services (see below). As the undervaluation of unpaid and paid care work go hand in hand, it is also important to improve working conditions, enjoyment of rights, and pay for care workers and domestic workers.**

90. **In the light of the many gender, socioeconomic and racial inequalities inherent in the global care chain, States — both countries of origin and destination countries — should pay greater attention to care issues in migration policy, from protecting the rights of migrant domestic workers to supporting the care needs of those they leave behind.**

91. **States should also take account of unpaid care work in development planning and programming, including in the post-2015 development agenda. Any goals, indicators and targets adopted should reflect an awareness of the intensity and distribution of unpaid care work and its impact on women's human rights and opportunities for human development. To this end, equality in access to public services should constitute a central goal.**

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[87] Australian Human Rights Commission, *Investing in Care*.

D. Reducing and redistributing unpaid care work

92. **States must act to ensure more equal distribution of care work. This requires redistribution in three forms: redistribution between women and men; redistribution from households to the State; and redistribution of time and resources towards poorer families and households.**

93. **For the latter two forms of redistribution, the crucial interventions are provision of public services and provision of infrastructure, through which States can reduce the overhead time of poor households and the drudgery of unpaid care work (see paras. 95-105 below).**

94. **In order to achieve greater equality in sharing unpaid care work between women and men, in general and within households, the solutions must be public as well as private. It is necessary for the State to facilitate, incentivize and support men's caring, for example by ensuring that they have equal rights to employment leave as parents and carers, and providing education and training to men, women and employers. To facilitate long-term change, educational programmes, to be used in schools and communities, should be developed to challenge stereotypical, traditional male and female roles and promote the concept of shared family responsibility for unpaid care work in the home.**

1. Public services

95. **For the poorest women, accessible, gender-sensitive public services are the most direct and effective way to redistribute their heavy unpaid care workload and reduce its drudgery and intensity. This can have a direct impact on their enjoyment of human rights, and the rights of those they care for. In many contexts, the provision of such services is a matter of great urgency.**

96. **Quality public service provision should be free at the point of use (for example health services and primary education) or at affordable cost (for example water and sanitation and transport), in order to give unpaid caregivers the option to undertake other pursuits such as paid work, participation in public life, education or self-care, while ensuring a level of care for their dependants. States should therefore preserve and boost investment in public services, especially in times of economic crisis when inequalities become more pronounced. The principles of non-discrimination and equality require States to ensure that public services meet the standards of availability, accessibility, acceptability, adaptability and quality,[88] and to expand coverage in ways that reduce class, gender and regional inequalities, focusing on physical and economic accessibility for the most disadvantaged persons, groups and regions.**

97. **Policymakers should implement general measures, such as eliminating user fees in primary education and basic health care, including sexual and reproductive health care, and progressively implementing free universal health care. More specific measures adapting and reforming public services, directly guided by the need to alleviate unpaid work demands on women and girls, will also be necessary. Such measures might include free school food programmes; extended school day programmes; improvements to palliative care systems; and**

[88] For a fuller explanation of these standards, see, for example, Committee on Economic, Social and Cultural Rights general comment No. 14.

the introduction of household/community care capacity assessments to guide hospital discharge decisions.

98. In particular, quality and affordable care services for carers and parents can have a major positive impact on the human rights of both caregivers and receivers. Investment in childcare, elder care and disability support should therefore be increased, prioritizing disadvantaged and underserved areas. The services should be affordable, and provided free to those who cannot afford to pay. In particular, all women should have economic and physical access to high-quality, culturally appropriate childcare for children under school age, including children with disabilities. As well as having a major positive impact on women's right to work, quality early childhood education accessible to people living in poverty has many proven benefits for children and society as a whole. Innovative approaches such as mobile crèches should be considered in order to reach communities living in poverty.

99. Low-income countries can overcome resource constraints by building on existing social care programmes to provide better working conditions and improve the quality of care, for example through the expansion of child nutrition centres into quality preschool or educational centres with wider coverage.

100. An important part of the State's investment in care services is the recruitment of adequate numbers of paid care professionals such as nurses, and providing them with decent pay and working conditions. Overall, States should shift from a strategy of reliance on market and voluntary provision of care that is informal and exploitative to one that allows professional, decently paid and compassionate forms of care.

101. States affected by the HIV/AIDS pandemic should also take specific measures to ensure that unpaid home-based caregivers are adequately supported, including by providing counselling, training, livelihood support and skills development, savings and credit schemes, medical supplies and equipment.

102. States have a duty to regulate private service providers, to ensure that they are not violating the human rights of the population they serve, including the rights to equality and non-discrimination and the principles of availability, accessibility, acceptability, adaptability and quality. To this end, a human rights impact assessment should be conducted before care services are outsourced to private providers, and at regular evaluation intervals.

2. Infrastructure and technology

103. The time burden of unpaid care work for women living in poverty can be significantly alleviated if there is adequate infrastructure in place in their communities — particularly through reduced time spent on travel to workplaces or markets, meal preparation, water collection and fuel collection. The availability, access to, and use of, critical infrastructure must therefore be significantly improved, prioritizing disadvantaged areas such as remote rural communities and informal settlements, explicitly seeking to provide better access for these communities to work and services.

104. The construction of new roads, affordable public transport, low-cost electricity, solar and water energy for domestic purposes, and water and

sanitation infrastructure are particularly crucial in this regard. In addition, States should increase construction of health care facilities and schools in underserved areas, as well as related infrastructure such as gender-segregated sanitation facilities. Where appropriate, village-level reforestation programmes and local rainwater harvesting schemes can also dramatically reduce the time women spend on water and fuel collection.

105. **The development and distribution of affordable time and labour-saving and home-based technologies such as fuel-efficient stoves and grain mills is also crucial to reducing time spent on unpaid care in developing countries. Such technologies should be invested in and incentivized, guided by participatory needs assessments in disadvantaged communities, and costs should be subsidized to make them affordable for people living in poverty.**

E. Promoting empowerment of unpaid caregivers

106. **In order to uphold their right to participation, tackle gender stereotypes and create an enabling environment for the more equal sharing of unpaid care work, States must take concerted action to meaningfully empower unpaid caregivers.**

107. **Care users, caregivers and other stakeholders should be proactively supported to participate in the design, implementation and monitoring of care services and other relevant policies. States and other relevant branches of Government must build the capacity of unpaid caregivers to participate in decision-making processes, including by providing them with accessible, up-to-date information about their rights, and services and benefits available to them. Participatory mechanisms must be designed to be accessible to women living in poverty with unpaid care responsibilities, for example by providing on-site childcare at meetings.**

108. **Support, including financial support, should be given to the work of women's organizations and men's groups challenging the gender norms that allocate responsibility for care work to women and girls.**

VI. Recommendations for national human rights institutions

109. **In order to position unpaid care work as a major human rights issue, build up evidence in this regard and alleviate women's poverty resulting from unpaid care work across their life cycle, the Special Rapporteur urges national human rights institutions to include the issue of unpaid care work in their research, policy, advocacy and programming work and to apply a human rights and gender equality perspective to this work. In addition, she encourages them to raise the issue with human rights mechanisms and bodies, including the universal periodic review, human rights treaty bodies, and the Commission on the Status of Women, including when country reports are reviewed.**

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The right to education

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to education, Kishore Singh, submitted in accordance with Human Rights Council resolutions 8/4 and 17/3.

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Report of the Special Rapporteur on the right to education

Summary

The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 17/3. It highlights recent developments with respect to the post-2015 development agenda focusing on a rights-based approach to education. The Special Rapporteur provides perspectives on education goals with recommended implementation strategies.

Considering education as the foundation of the post-2015 development agenda, the report presents the views and recommendations of the Special Rapporteur on ways to operationalize a rights-based approach to the education development goals.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to Human Rights Council resolutions 8/4 and 17/3. It focuses on the role of education in the post-2015 development agenda.[1]

2. The present report highlights recent developments in the post-2015 development agenda using a rights-based approach to education and analyses education goals and provides necessary implementation strategies with a focus on action at the national level. The Special Rapporteur stresses the importance of ensuring equity and quality, as well as enhanced public investment, in education. The Special Rapporteur concludes with recommendations on ways to operationalize a rights-based approach to the education-related development goals.

3. During the reporting period, the Special Rapporteur undertook missions to Ecuador and Tunisia, and reported thereon to the Human Rights Council during its twenty-third session. During that session, on 31 May 2013, he presented his thematic report entitled "Justiciability of the right to education" to the Human Rights Council (A/HRC/23/35). The report examined questions related to the enforcement of the right to education and highlighted the available jurisprudence at the national, regional and international levels. It also offered recommendations for making the justiciability of the right to education and its enforcement more effective.

4. The Special Rapporteur participated in a number of public events on education and continued collaborating with States, international organizations and non-governmental organizations. A number of those events and activities had a bearing on the theme of the present report.

5. In May 2012, the Special Rapporteur delivered a keynote speech at the opening session of the Fourth International Policy Dialogue Forum of the International Task Force on Teachers for Education for All in New Delhi, India, organized by the Government of India in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

6. In June 2012, the Special Rapporteur participated as keynote speaker at a side event, organized by the International Organization for the Right to Education and Freedom of Education, aimed at promoting quality education. In July, the Special Rapporteur met with a high-level delegation of the Ministry of Education of Thailand at UNESCO headquarters in Paris for a dialogue on teachers' education, quality imperatives and normative action in the field of education. That was followed by a discussion on the education agenda beyond 2015 in Thailand (considering its Millennium Development Goals Plus commitments) and the country's policy of 15 years of free education for all.

7. In September 2012, he gave a keynote address at a seminar organized by the European Ideas Network, in cooperation with the European People's Party of the European Parliament in Brussels to address the importance of quality education. He also was one of the main speakers at the launch of the publication entitled "Protecting education in insecurity and armed conflict: an international law

[1] "Post-2015 development agenda" refers to the international process which will result in development goals intended to replace the Millennium Development Goals.

handbook", by Education Above All, in New York. He gave a lecture at Cornell Law School in Ithaca, New York, entitled "Right to a quality education — norms and standards". The Special Rapporteur attended the high-level launch of the Global Initiative on Education of the Secretary-General, Education First, and made a statement on the post-2015 education agenda.

8. In November 2012, he spoke on the human rights approach in international cooperation and public policies at a round table on human rights and development cooperation, organized jointly by the National University of Piura, Peru, and the University of Rioja, Spain. He also participated in the Fifth Budapest Human Rights Forum, and served as a panellist on human rights education and training. He was a special invitee to the World Innovation Summit for Education in Doha, where Sheikha Moza bint Nasser's "Educate a Child" initiative was launched. In the same month, he made a statement at the first Global Education for All meeting in Paris, hosted by UNESCO, which brought Governments together to provide quality basic education to all children, youths and adults by 2015.

9. In December 2012, the Special Rapporteur participated in the fifty-fifth session of the Conférence des ministres de l'éducation des pays ayant le français en partage (CONFEMEN), held in N'Djamena, and gave a speech on the diversification of offers in education and the right to education. The Special Rapporteur emphasized the importance of the right to education in the context of reflections on the post-2015 Millennium Development Goals agenda.

10. During the same month, he also participated in the high-level advocacy event entitled "Stand up for Malala — girls' education is a right", organized in Paris by UNESCO in cooperation with Pakistan, to mark Human Rights Day. He also participated in the Steering Committee seminar of the Association for the Development of Education in Africa in Sèvres, France, and had a dialogue with the Bureau of the Association on key issues and international initiatives in the field of the right to education.

11. In January 2013, the Special Rapporteur participated as keynote speaker at a seminar on justiciability as an instrument for enforcing the right to education, organized by the Right to Education Forum in New Delhi, India. He participated as a panellist in the first seminar on human rights education and morality, organized as part of a series of seminars on the implementation of the United Nations Declaration on Human Rights Education and Training by the Centre for Research on Human Rights and Humanitarian Law of the University of Paris II, with the support of the French National Commission for UNESCO. He also participated in a working group on education and development organized by the Education and Development wing of the Ministry of Foreign Affairs of France, in cooperation with the Agence française de développement for reflections on the post-2015 development agenda.

12. In March 2013, the Special Rapporteur attended the High-level Panel on Human Rights Mainstreaming, with a focus on the areas of the right to education, organized by the Human Rights Council. He made the opening remarks at the side event on education for global citizenship, which was a follow-up to the Secretary-General's initiative, Education First, organized on 11 March in Geneva by the International Organization for the Right to Education and Freedom of Education in cooperation with the Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva. He was the keynote speaker at the side

event on vocational education, organized in Geneva on 12 March by Apprentissages sans frontières.

13. In April 2013, the Special Rapporteur participated in the international academic seminar entitled "Justice for quality education — quality education for democracy" organized in São Paulo, Brazil, by the São Paulo School of Judges and the Faculty of Law at the University of São Paulo, and other partners. On that occasion, he addressed the seminar during its opening session. A publication entitled "Justice for the quality of education" was also released. The Special Rapporteur also gave a closing address to the seminar on the ways in which the justiciability of the right to education and its enforcement could be strengthened.

14. Also in April 2013, the Special Rapporteur participated in the twelfth session of the Working Group of Experts on People of African Descent, in Geneva, devoted to recognition through education and cultural rights, and spoke on the promotion of equality and opportunity in education for people of African descent.

15. In May 2013, the Special Rapporteur participated in the Second Global Meeting of the International Group on the Right to Education, organized by the National Academy for Educational Research in Taipei, Taiwan Province of China, and gave the opening address on the right to education and the scenario of international initiatives and post-2015 education-related international development goals.

16. In June 2013, the Special Rapporteur participated in a number of activities organized during the twenty-third session of the Human Rights Council in support of his report on the justiciability of the right to education, which he had presented on 31 May 2013 to the Council.

17. He was the lead speaker at a side event organized during the twenty-third session of the Human Rights Council by Ecuador, together with Brazil, India and Morocco, on a human rights-based approach to the right to education. On that occasion, he shared his views on the future of education and the post-2015 development agenda. The event was aimed at providing concrete examples of ways in which countries are implementing a human rights-based approach to education by establishing the right to education in their constitutions and legislative framework and, just as important, by implementing those rights through policies and government action. It also focused on remaining challenges.

18. During the international expert conference Vienna+20: Advancing the Protection of Human Rights held on 27 and 28 June 2013 in Vienna on the occasion of the twentieth anniversary of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993, the Special Rapporteur participated in a working group entitled "Mainstreaming human rights: a human rights-based approach to the post-2015 development agenda". That experience was of special importance in the context of the present report. The discussions at the working group recognized the importance of the full realization of the right to education as one of the key objectives in the international development agenda beyond 2015.

19. The Special Rapporteur was a speaker at an expert meeting on Promoting a rights-based approach to financial regulation and economic recovery, organized in Vienna on 1 July 2013, where he focused on the importance of devoting necessary resources for the realization of the right to education.

20. On 15 and 16 July 2013, the Special Rapporteur attended the event "Educational visions for India: reflections on strategy and action", organized by the Council for Social Development in New Delhi, India, and chaired and moderated the session on the right to education, emphasizing the importance of State obligations for the right to education under human rights law, as well as the right to education in the post-2015 development agenda.

II. Recent developments with respect to the post-2015 development agenda

21. The right to education, as stipulated in Human Rights Council resolutions 8/4 and 17/3, encompasses the Education for All agenda as well as the Millennium Development Goals. Human Rights Council resolutions 20/7 and 23/4 further expand on the right to education. Resolution 20/7 gives expression to "the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals". Resolution 23/4 reiterates this, and underlines "the need to ensure that the right to education is central in the context of the post-2015 development agenda".

22. The central role of education in accelerating progress towards all the Millennium Development Goals is recognized as a result of commitments relating to education contained in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals (resolution 65/1). That is critically important since, in spite of progress made, the Education for All agenda remains unfinished, and the progress towards the education-related Millennium Development Goals remains limited.

23. Some other landmark developments in recent years also give prominence to the right to education in that context. Recognizing the "inter-linkages between education and the advancement of all the other Millennium Development Goals", the ministerial declaration resulting from the high-level segment of the substantive session of 2011 of the Economic and Social Council underlines "the need to promote the right to education and the achievement of the Millennium Development Goals, in particular the education-related goals, and the Education for All goals".[2]

24. Furthermore, recent high-level expert discussions on a human rights-based approach to the post-2015 development agenda have underlined the importance of the right to education for the empowerment of individuals and the full realization of all rights, including the right to development.

25. While participating in the events connected to the Education for All agenda and education-related Millennium Development Goals, the Special Rapporteur emphasized a human rights-based approach and the importance of linking States obligations on the right to education with political commitments. That is crucial in face of challenges posed by insufficient progress and persistent educational inequities among and within countries, resulting in marginalization and exclusion in education. In discussions led by UNESCO and the United Nations Children's Fund (UNICEF), it has become apparent that a human rights-based approach, with a

[2] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 3* (A/66/3/Rev.1), chap. III, sect. E.

stronger focus on equity and quality, is needed to shape the global development agenda beyond 2015.

26. Despite recent progress in education worldwide, in some countries unprecedented disparities in access to education have been witnessed, as well as poor learning achievements as the demand for education grows and the forms of education offered become more diverse. In many parts of the world inequalities in opportunities for education will be exacerbated by the growth of unregulated private providers of education, with wealth or economic status becoming the most important criterion to access a quality education. Even quality basic education is becoming a privilege of the wealthy, whereas it should progressively be made free at all levels in line with international legal obligations of States under the International Covenant on Economic, Social and Cultural Rights and other human rights conventions. As such, States must be reminded of their core obligation to ensure that the right to education without discrimination or exclusion is fully respected and fulfilled. They must abide by the fundamental principles of non-discrimination and equality of opportunity for all in education, if the existing gap between the commitments of the Millennium Development Goals agenda and the reality witnessed is to be avoided in the future. Those principles are common to almost all international human rights conventions, and should be the determining factor in shaping a future development agenda.

27. Reflections on such an agenda, and the widespread consultation process by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, has resulted in the report presented to the Secretary-General on 30 May 2013, entitled *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*.[3] The report of the High-level Panel envisages the scenario in which no person is denied universal human rights and basic economic opportunities, and where accountable institutions are built and a new partnership between the developed and developing nations is forged. It proposes an agenda for post-2015 development planning which seeks to "provide a fresh vision and framework, based on our common humanity" and "to achieve a pattern of development where dignity and human rights become a reality for all". The report lists 12 illustrative goals and sets out a universal agenda to eradicate extreme poverty by 2030 and deliver on the promise of sustainable development. Taking into consideration the report and the discussions that are being conducted, most importantly those by the Open Working Group on Sustainable Development Goals, the international community will finally define the post-2015 development agenda.

III. The importance of education in the post-2015 development agenda

28. Human Rights Council resolution 23/4 on the right to education takes note of "international initiatives aimed at discussing and advancing the education agenda beyond 2015", while underlining the importance of the Open Working Group on Sustainable Development Goals and other ongoing consultation processes. The international forum on education and the Millennium Development Goals agenda

[3] United Nations, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*. Report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda (New York, 2013).

being organized by the Government of Kazakhstan for August 2013 demonstrates the significant interest for regional discussions on education and the post-2015 development agenda.

29. In the recently conducted Global Thematic Consultation on Education, various aspects of the right to education were emphasized. The draft report resulting from the consultation states that one of the strongest themes that emerged in the education consultations was that the education framework should be guided by a rights-based approach in which rights are indivisible, addressing all aspects of education, including the learning environment, the teaching and learning process, Government policy, school governance and teachers.[4]

30. In the context of ongoing discussions, and pursuant to Human Rights Council resolution 23/4, the right to education deserves foremost consideration in the post-2015 development agenda. Thus, an appraisal from a right-to-education perspective of a universal goal on education, and of other universal goals, notably on poverty eradication and on women's empowerment as proposed in the report of the High-level Panel, is crucial. The Special Rapporteur wishes to underline that all development goals are underpinned by educational dimensions, and must be looked at from such a perspective.

31. The Special Rapporteur believes that the right to education must be emphasized in the post-2015 development agenda for many reasons. Education is a fundamental building block for human development and is invaluable for individual and social transformation. Education enables children to prepare for democratic citizenship and responsibilities of the future. Education is central to poverty eradication strategies and the achievement of global commitments for sustainable development. Growth in the human development index employed by the United Nations Development Programme (UNDP) is associated with growth in public spending on education: education is the best investment a country can make. Education is essential for the empowerment of women, making them agents of change and of social transformation. Education is crucial for conflict prevention, peacebuilding and promoting solidarity. Education is an inalienable human right of every child, boys and girls alike. All development goals have educational dimensions and the right to education provides indispensable leverage for development.

32. The right to education, which is essential for the exercise of all other human rights, is therefore of paramount importance in national and international development agendas and in public policies and global partnerships. Full realization of the right to quality education for all as a fundamental human right is a determining factor in achieving a future agenda, emerging from a broad global development vision.

IV. Mainstreaming human rights into the post-2015 development agenda with the focus on the right to education

33. The importance of taking a human rights-based approach to the post-2015 development agenda was emphasized earlier this year during the meeting of the

[4] UNICEF, "Education in the post-2015 development agenda: draft synthesis report of the Global Thematic Consultation on Education" (New York, 2013).

High-level Panel on Human Rights Mainstreaming on mainstreaming human rights into the development agenda with the focus on areas of the right to education, organized by the Human Rights Council on 1 March 2013.

34. In his remarks to the High-level Panel, the Secretary-General expressed his concern that too many primary school-age children are still not in school, and too many leave school without learning the most basic skills, and that education is hope and dignity, growth and empowerment, and the basic building block of every society and a pathway out of poverty.

35. Also at the meeting, the United Nations High Commissioner for Human Rights stated that the universal right to education is central to the human rights approach and that education is essential to the achievement of the right to development, enabling all people, without discrimination of any kind, to take an active part in the process.

36. Sheikha Moza bint Nasser expressed her continuing engagement for the full realization of the right to education, which is a fundamental right of every child, as epitomized by her "Educate a Child" initiative for providing quality education for the world's children and youth who are still out of school.

37. The Director-General of UNESCO underlined the transformational power of education that makes it the force that brings sustainability to all development and stressed that the future development agenda must start with equity to ensure everyone can exercise the right to education, to training and to learning opportunities.

V. Implementing a rights-based approach to education in the post-2015 development agenda

A. Importance of a rights-based approach

38. A human rights-based approach imparts strength and legitimacy to the development agenda and provides a firm foundation for action at the national level. The adoption of a human rights perspective to the development agenda implies, among other things, a careful screening of national legal instruments that frame educational systems and policies in countries, linking political commitments of Governments to the international obligations under human rights law.

39. A rights-based approach recognizes that all human rights are universal and indivisible, and provide for equality, participation, transparency and accountability. The education goals and targets should apply to all nations. National targets should be developed in full consultation with citizens and civil society. Each goal must ensure that education is available to all, and when limited by the lack of resources it is made progressively available without discrimination. Education goals, implementation efforts and financing by Governments must be transparent. Finally, through national legislation, the right to education shall be given to all people, who shall have national recourse to ensure those commitments are honoured.

40. A focus on an effective implementation strategy, as well as monitoring mechanisms and accountability measures, is vital in addressing the gap between commitments and reality in achieving Education for All and education-related

Millennium Development Goals. Thus, in a development agenda, such strategy should be formulated for the benefit of Governments. The recognition of the right to education and the fulfilment of connected State obligations should be crucial to the implementation of such an agenda, bearing in mind the concepts of "rights-holders" and "duty-bearers". People have the equal right to receive an education, and can hold their Government to account to address discriminatory practices or the failure to provide for their education. Governments in turn have the duty to provide education, and their obligations are based in national and international law.

41. The Special Rapporteur thus considers it necessary that each universal goal should be accompanied by implementation strategies which can be taken into consideration by Governments. The implementation strategy reflected in the explanations in the report of the High-level Panel should be further developed: the post-2015 development agenda should first state the goal and then propose implementation strategies, followed by the monitoring mechanisms, accountability and enforcement.

42. A rights-based approach is grounded in legal rather than political obligations. Governments should be encouraged to develop a national legal framework, including constitutional provisions on the right to education as well as education laws and related regulations and decrees. Any implementation strategies must underline the need to modernize national legislation to meet the objectives contained in the education goals and targets. Key areas that should be addressed include defining quality education, the financing of education, the inclusion of skill development and technical education and vocational training, regulating the private providers of education and providing for adult literacy and lifelong learning programmes.

43. The Special Rapporteur welcomes the importance attached to equitable approaches to education in favour of the marginalized and the vulnerable in the report of the High-level Panel. That requires emphasis on the adoption of positive measures such as affirmative action and social protection schemes that target disadvantaged and vulnerable groups to ensure that they have equitable access to education.

B. A universal goal on education

44. The right to education is among the most widely recognized international rights. Education-related goals should apply universally, with nationally relevant targets. The report of the High-level Panel recognizes the importance of pre-primary, primary and secondary education, as well as technical and vocational skills development. Adult literacy is mentioned in the report, though not included as a suggested goal. The illustrative goals also seek to address access, non-discrimination and minimum learning standards.

45. Education is a continuum that begins before formal primary education starts and continues after secondary school. The importance of early childhood care and education along with the role of family is crucial in preparing children for education and is a welcome inclusion to the agenda. The post-2015 development agenda must also address the needs of millions of adults in terms of basic levels of literacy and numeracy, linking that to skill development.

46. The proposed education agenda is similar to the one put forth by the Special Rapporteur in his report to the General Assembly on technical and vocational education and training from a right to education perspective (A/67/310), proposing that the future agenda for education should build upon and consolidate developments in many countries, modernizing national legislation and providing for basic education of longer duration (nine years) as part of general secondary education. Those developments should include quality learning based on technical and vocational education and training in order to meet the critical challenges of an increasingly globalized economy.

47. In the post-2015 development agenda, an education goal should have the objective not only to make education accessible at the secondary level to all, but the completion of secondary-level education of good quality by 2030 (the time frame for the agenda), with a special place for technical and vocational education and training as an integral part of secondary education, in making education relevant and useful to the world of work. The universal goal on education should thus be broadened.

48. In the post-2015 development agenda, each education goal and target should emphasize universal access, without discrimination, to high quality education that ensures minimum learning standards.

49. Each goal and target must be incorporated into national laws and policies to ensure that those political commitments become rights-based. National legislation should clearly describe the Government's obligations, indicating how future goals will be achieved progressively and how funding will be provided. Indicators and supporting statistical institutions should also be identified, including time-based targets.

Skills development

50. The importance attached to skills development, including technical and vocational education and training, in the report of the High-level Panel is commendable. It is particularly necessary in order to meet the critical challenges of an increasingly globalized economy and the rising aspirations of youth. The target can be refined, however, by stipulating that skills development and technical and vocational education and training should be an integral part of secondary education, with pathways for the pursuit of higher education.

51. In order to ensure that technical and vocational education and training programmes are relevant to local economic opportunities, the strategy should aim at fostering action at the national level aimed at developing public-private partnerships under the overall reasonability of States, within the framework of an institutionalized collaboration between technical and vocational education and training institutions and enterprises, and anchored by human rights. Such partnerships are necessary to mitigate prevalent weaknesses in that area, especially in the developing world, where much more strong linkages between technical and vocational education and training institutions and enterprises are essential for making the system of technical and vocational education and training more responsive to growing skill demands and giving it greater capacity for contributing to industrial and socioeconomic development.

52. Implementation strategies could create national targets for achieving a minimum percentage (for instance, 30 or 40 per cent) of secondary- and tertiary-level education graduates that have vocational and technical skills and professional specialization in various sectors, in keeping with a country's evolving requirements.

Lifelong learning

53. Lifelong learning was emphasized in the UNESCO *World Education Report 2000: The Right to Education — Towards Education for All throughout Life* (Paris, 2000). Rather than being a time-bound goal to be achieved by 2030, lifelong learning is a permanent and steadily growing necessity. At minimum, a lifelong learning goal that provides for adult literacy and numeracy programmes must be included in the agenda to ensure that the millions of illiterate adults are able to realize their right to a basic education.

54. In a globalized economy, employment opportunities are shifting quickly. The rapid ongoing evolution in the information technology sector requires continuing access to technical education. A global goal for lifelong learning may include the right to minimum literacy, but could also include lifelong access to technical and vocational education and training programmes, or other career training.

55. The growing importance of lifelong learning as a means to find employment and escape poverty suggests that it be better studied and clarified as part of the right to education.

56. A normative framework should be developed from a right to education perspective. That will in turn expand the legal framework for the right to education, and widen its connotations as an overarching right.

Quality imperatives

57. That quality has been neglected in the pursuit of Education for All and education-related Millennium Development Goals is well known. There is widespread concern over poor learning achievements. Regrettably, the right to quality basic education for all remains unfulfilled. The post-2015 development agenda should seek to ensure that quality is not sacrificed while expanding access to education.

58. The post-2015 development agenda should emphasize the need for normative action aimed at the development of minimum quality norms and standards, applicable in both public and private schools. It should stipulate that countries adopt national quality evaluation and learning assessments mechanisms, to be applied throughout the education process. Governments must also ensure that teachers are well qualified, supported through professional development opportunities and motivated and professionally committed. The teaching profession should be made more attractive to ensure it is able to attract the best candidates by promoting the profession's standing in society and by improving teachers' working conditions and professional development prospects, including respectable salaries for teachers. The challenges are again daunting, not only in the face of a dearth of qualified teachers, but in devising novel modalities of teacher training in tandem with reforms in education.

C. Poverty reduction strategies: the role of education

59. Poverty is the greatest obstacle to the enjoyment of the right to education as well as the right to development for nearly 1.3 billion people who still live in extreme poverty, and its elimination is indeed an overriding development concern.

60. In that respect, the Special Rapporteur would like to emphasize that education is a powerful tool in poverty eradication. A shortcoming of the report of the High-level Panel, however, is that such an approach is not reflected in the first illustrative goal on poverty eradication.

61. In the post-2015 development agenda, the key importance of the right to education as a powerful lever for eliminating the intergenerational transmission of poverty must figure prominently. The achievement of internationally agreed targets for poverty eradication will be missed and inequalities between countries and within societies will widen if education is not intertwined with the future goal on poverty eradication.

62. The strategies should be guided by equitable approaches, along with social protection measures for enabling children from poor households to avail themselves of their fundamental right to education.

63. That requires permanent support to the enjoyment of the universal right to education in the form of grants and bursaries to be provided to the children who are victims of exclusion, in particular those who are victims of extreme poverty. Such affirmative action and promotional measures have a normative basis in international human rights conventions. Article 13 of the International Covenant on Economic, Social and Cultural Rights provides for "an adequate fellowship system" among its provisions on the right to education.

D. Ensuring gender-parity: illustrative goal 2

64. The Special Rapporteur would like to note that the illustrative goal proposed in the report of the High-level Panel related to women's empowerment seems to be a regression as compared to the second Millennium Development Goal to promote gender equality, including in access to primary and secondary and technical education. Achieving a girl's right to education as a priority is an absolute requirement, as historically women have suffered from injustice, and girls and women constitute a majority of those who remain deprived of education.

65. The right to education for women and girls should be driven by a rights-based approach. That is essential for putting an end to multiple forms of discrimination from which women and girls suffer. A rights-based approach implies that educating women and girls should, a priori, be viewed as a human rights imperative, rather than being undertaken solely because of potential benefits to their children or to society. "Greater equity, including between men and women and among other groups, is not only essential in itself, but also important for promoting human development. One of the most powerful instruments for this purpose is education".[5]

[5] UNDP, *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World* (New York, 2013).

66. Action at the national level should be supportive of legislative developments and specific laws for women's empowerment through education within the framework of the Convention on the Elimination of All Forms of Discrimination against Women, as a follow up to the ministerial declaration of the high-level segment of the substantive session of 2010 of the Economic and Social Council.

VI. Education as the foundation of the post-2015 development agenda

67. That the importance of education is not only a right in itself, but also is essential for the enjoyment of all other rights must be recognized in the post-2015 development agenda. As already mentioned, poverty cannot be eradicated without education. The key role of education should be clearly recognized for the empowerment of women and girls. Unemployed youth and adults require additional education and training to develop skills and find decent work. Education can promote values necessary for creating democratic, stable and peaceful societies.

68. The central role of education in accelerating progress towards all Millennium Development Goals is now recognized and clearly shows that any goal that is set for a future development agenda should be underpinned by educational dimensions, and the post-2015 development agenda must invariably take into account such educational dimensions. Its importance is also reflected in the Global Initiative on Education of the Secretary-General, Education First, mentioned above, which sets out a vision to make education a top priority of the global political agenda. The post-2015 development agenda must build upon the Initiative, along with a human rights-based concept of sustainable development.

VII. Human rights-based concept of sustainable development and its educational dimensions

69. Human rights standards provide a normative framework that grounds development work within a universal set of values and human rights standards also provide an important tool for ensuring that development is pursued in an equitable, just and sustainable manner. Development cannot be sustainable if it is not anchored by human rights. Indeed, human rights instruments provide the foundation that is essential to ensure that all people benefit from development. In addition, the rule of law and development, which are strongly interrelated and are mutually reinforcing, are also essential in the post-2015 development agenda.

70. Aligning development strategies with human rights norms and principles would enhance the chances of achieving sustainable development goals, as such an alignment implies, among other things, paying serious attention to the core principles of non-discrimination and equality in the formulation and implementation of policy decisions. That is essential in order to avoid economic progress that continues to leave untouched those who remain marginalized.

71. Norms and principles expressed in the Declaration on the Right to Development, adopted by the General Assembly in 1986, are of abiding significance, and also provide a basis for the formulation and implementation of the development agenda. The Declaration recognizes that the human person is the

central subject of development and should be the active participant and beneficiary of the right to development. In several respects, the right to education and the right to development are mutually reinforcing, and that should be taken into consideration in the post-2015 development agenda.

72. The proposed post-2015 development agenda should also advance a framework of international development cooperation, founded upon the principle of international solidarity. International support is critically important in assisting the developing world in achieving the right to education, especially the poorest and most fragile States. Financial and technical support must be provided to least developed countries by development partners to implement their national education plans and programmes, while recognizing the need for strengthening national education systems. The emerging concept of "responsible sovereignty", whereby countries would engage in "fair, rule-based and accountable international cooperation, joining in collective endeavours that enhance global welfare",[5] must also be taken into consideration in the post-2015 development agenda.

73. Though education is a primary responsibility of Governments, it is also a social responsibility, and it involves roles by and responsibilities for all providers of education and various stakeholders.

VIII. Defining the roles and responsibilities of all stakeholders

74. As the report of the High-level Panel states, national Governments have the central role and responsibility "to translate the vision and goals of the post-2015 [development] agenda into practical reality" and "local authorities form a vital bridge between national Governments, communities and citizens", who will all have a critical role in a new global partnership. The report also states that each partner in the global partnership has a specific role to play.[3]

75. The participation and engagement of civil society organizations, including in particular teachers, students, their parents and communities, is important for a well-functioning national education system, and for its success.

76. Education systems of tomorrow need to be designed so that they clearly delineate the roles and responsibility of various stakeholders, which include communities, local bodies, teachers and parents. To that end, a legal framework should be put in place that applies to all providers of education, public and private, and is fully respectful of the right to education as a fundamental human right, with Governments having primary responsibility, in keeping with human rights obligations.

77. It is also important that Governments maintain a dialogue with all stakeholders and civil society partners, so that they are encouraged in their continuous engagement for promoting the right to education as being central to the development agenda. Once again, to "use human rights as a binding legal framework with a focus on core human rights obligations"[6] strengthens the legitimacy and credibility of all policy areas. In that spirit, good communication strategies seeking the active

[6] Office of the United Nations High Commissioner for Human Rights, *Vienna+20: Advancing The Protection of Human Rights: Achievements, Challenges and Perspectives 20 Years after the World Conference*. Report of the International Expert Conference (Vienna, 2013).

involvement of the whole education community in achieving the agreed education goal in the post-2015 development agenda are important.

IX. Monitoring mechanisms and indicators

78. Measuring, reporting on and ensuring that any future development goals are nationally enforceable will be instrumental in achieving successful progression towards their realization.

79. The report of the High-level Panel has recommended that a new global review mechanism for the post-2015 commitments be established based on international human rights standards, and that an independent review with effective civil society participation also be established. The report states that "any new goals should be accompanied by an independent and rigorous monitoring system, with regular opportunities to report on progress and shortcomings at a high political level".[3] The idea of an "institutional framework" has also been advanced in that respect.

80. It is necessary that existing legal obligations be operationalized in goals, targets and benchmarks, along with the development of national action plans and programmes with benchmarks for the progressive realization of a human rights-based approach.

81. Developing a set of indicators and their use is therefore important. Such a set of indicators will enable legal mechanisms to better identify and assess whether Government policies, programmes and their implementation are leading to improved education and learning achievements. Indicators also enable the examination of situations to ensure that vulnerable groups are not being left behind. Disaggregated indicators are important for revealing disparities among vulnerable groups, and show rural and urban divides or disparate effects on the poor.

82. Indicators can also show the extent to which Governments fulfil their obligations and commitments, and the accountability gap. Under a rights-based framework, such indicators demonstrate the progressive realization of education rights and provide a basis upon which legitimate complaints against Governments can be made when efforts are lacking. The responsibility of Governments is perceived as involving their accountability to achieve agreed outcomes, rather than in terms of mere political commitment devoid of enforcement.

X. Accountability of Governments

83. With accountability as a cornerstone of the post-2015 development agenda, emphasis should be laid on those mechanisms that can hold Governments accountable to their commitments. Thus, a sound framework of accountability, with appropriate indicators should be an integral part of the post-2015 development goals. In his remarks at the High-level Panel on Human Rights Mainstreaming, the United Nations High Commissioner for Human Rights noted that a human rights approach emphasizes accountability mechanisms, changing the commitments the post-2015 process should agree to monitor — for example, those based on human rights standards — and how we should agree to monitor them — for example, in a participatory fashion.

84. The Special Rapporteur would like to emphasize, however, that accountability will remain a bare concept if it is not further linked to the enforcement of the right to education in situations where the commitments remain unfulfilled. Formulating the agenda in that spirit would better respond to the propositions in the report of the High-level Panel, as it recommends, as stated above, that "any new goals should be accompanied by an independent and rigorous monitoring system, with regular opportunities to report on progress and shortcomings at a high political level".[3]

XI. Enforcement mechanisms

85. Monitoring the implementation of education goals must be closely tied to national enforcement mechanisms. Merely placing the right to education at centre stage in the development agenda is not enough: it is equally crucial to safeguard it in case of its violation or breach and to ensure its full enforcement and protection. The right-holders should have the ability to claim their entitlements and challenge Governments to meet their obligations and live up to their international commitment when they are not being respected and fulfilled.

86. Access to justice is of foremost importance for getting the rights enforced. This is acknowledged in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. The right to education is a justiciable right, and that should be recognized in the future agenda.

87. Accordingly, Governments should work towards making their commitments justiciable in their national legal systems, recognizing that they are all founded in international law. As the Special Rapporteur stated in his report to the Human Rights Council, courts, national human rights institutions and administrative or quasi-judicial mechanisms are important mechanisms for citizens to engage Governments, in order to ensure their rights are respected.

88. A United Nations system-wide coordinated approach is important for protecting and promoting the right to education. That must be taken into account in the post-2015 development agenda.

XII. Human rights education and learning

89. Focus on the right to education in the post-2015 development agenda also implies human rights education and learning as an objective of education. States and other relevant stakeholders should intensify action at the national level, pursuant to the United Nations Declaration on Human Rights Education and Training as a means to give full effect to the right to education worldwide. Universally recognized human rights values and democratic principles should be embedded in any education system.

90. Governments could also draw upon experience gained in the pursuit of the United Nations Decade of Education for Sustainable Development (2005-2014) in their pursuit of the overall goal to integrate the principles, values and practices of sustainable development into all aspects of education and learning.

91. Education is crucial for conflict prevention, peacebuilding and promoting solidarity; its importance as a global unifying force must be recognized in the future development agenda.

92. Education for global citizenship and value-based education which the Global Initiative on Education of the Secretary-General, Education First, strives to foster and promote, provides key parameters for human rights education and learning. Moreover, in keeping with the Initiative, the future agenda should seek to create a generation that values education as the "common good".

XIII. United Nations system-wide coordinated approach

93. Almost no agency of the United Nations system is without some interest in education. The right to education is an integral part of the institutional mission of UNESCO, and is a high priority. Both UNESCO and UNICEF have been tasked with the mission to prepare children for the responsibilities of the future. Education is also important in the work of UNDP as an indispensable tool for poverty reduction strategies. Technical and vocational education and training and skills development have importance in the work of several agencies, such as the International Labour Organization, the United Nations Industrial Development Organization and the World Bank, as well.

94. Measures at the national level for the implementation of the education goal in the post-2015 development agenda can be boosted by their integration with the work of the United Nations human rights treaty bodies as well as those of the Human Rights Council, which periodically assess and make recommendations regarding the fulfilment, inter alia, of the right to education. The recommendations resulting from the universal periodic review of the Human Rights Council often underline the importance of devoting enhanced resources to education as a priority and the responsibility Governments have in promoting the right to education in its various dimensions.

XIV. Some key issues of critical importance

95. In the process of the formulation of education-related goals in the post-2015 development agenda, some key issues of critical importance deserve special attention.

A. Sustained public investment in education as a national priority

96. Experience shows that the "growth in the Human Development Index value is associated with growth in public spending on education".[5] No State committed to fostering development can afford to neglect to invest in education. Increased domestic and international investment in education is fundamental to boosting progress towards the achievement of a development agenda. Education is the best investment a country can make and it must be a permanent priority. As mentioned above, the recommendations resulting from the universal periodic review of the Human Rights Council often underline the importance of devoting enhanced resources to education as a priority, and the responsibility Governments have in promoting and

protecting the right to education in its various dimensions. The post-2015 development agenda should necessarily contain clear and firm commitments by States to provide necessary resources as part of their human rights obligations.

97. Even though there may be a consensus on the need to ensure State investment in the education sector, a legal framework is crucial for sustained political and financial support; efforts to promote the expansion of education opportunities may fail if they are not well anchored by a legal framework that not only ensures the right to education on a basis of equal opportunities, but also guarantees continued State investment in this strategic sector.

98. In this respect, provisions for public funding for education, especially basic education, in constitutional and national legislation and educational policies in some countries provide practical examples.

B. Preserving social interest in education and education as a public good

99. Education should be central to the notion and concepts of global public goods and intellectual commons which are increasingly being discussed in international forums. Education benefits both the individual and the society, and it should be safeguarded by avoiding its mercantilization, geared towards commercial gains only. Providing public services that contribute to a healthy, educated labour force helps build national stability and strengthens the legitimacy of government. Education should be preserved as a public good so that it does not become devoid of social interest.

C. Regulating private providers of education

100. To address the rise of private schools, comprehensive regulatory frameworks are necessary to ensure their conformity with education norms and standards. While private schools can be an important partner in delivering education, it must be recalled that private companies focus on maximizing profit. While preserving public interest in education, effective sanctions in the case of abusive practices by private providers of education are necessary. Policymakers must "face up squarely to their responsibilities. They cannot leave it to market forces or some kind of self-regulation to put things right when they go wrong".[7]

101. At a time when market-based approaches in government are becoming prevalent, Governments must be reminded of their primary responsibility to ensure social equality without discrimination, which arises from growth-focused policies.

D. The role of parliamentarians

102. Building on the experience of mechanisms such as the Network of Parliamentarians for Education and a Culture of Peace, established by UNESCO, importance should be given to the role that parliamentarians have in the

[7] UNESCO, *Learning: The Treasure Within*, Report of the International Commission on Education for the Twenty-first Century (Paris, 1998).

implementation of the education agenda, including advocacy for developing and implementing laws and the fulfilment of commitments of government to education.

E. Fostering a humanistic mission rather than a mere utilitarian role for education

103. The system of education should be inspired by a humanistic rather than by a mere utilitarian vision of education. That is of utmost importance, as the humanistic mission of education is being vitiated. It is therefore important to pay critical attention to that phenomenon, so that education is inspired by a great humanistic vision rather than a merely utilitarian one that only considers education in terms of its material value.

104. The principle of social justice is at the core of the global mission of the United Nations to promote development and human dignity, and the principles of social justice and equity are reflected in the United Nations Millennium Declaration. They are of abiding importance in guiding State actions and should receive renewed emphasis in the post-2015 development agenda.

XV. Conclusions and recommendations

105. **The human rights-based approach being embraced in the ongoing discussions on the post-2015 development agenda is a decisive advance over the way the Millennium Development Goals were formulated. Such an approach has special importance in terms of human rights law and State obligations, and the consequent accountability of Governments to live up to their commitments.**

106. **The momentum and engagement produced by the post-2015 development agenda should be leveraged to bring an international framework to the broader realization of the right to education for all. This is highly important, as the right to education is an overarching right — it is essential for the exercise of all other human rights — and warrants that education should be considered as the foundation of the post-2015 development agenda, as endorsed in Human Rights Council resolution 23/4, which underlines "the need to ensure that the right to education is central in the context of the post-2015 agenda".**

107. **Bearing in mind the importance of operationalizing such a conceptual approach, and the perspectives on education goals presented in the present report, the Special Rapporteur would like to offer the following recommendations.**

A rights-based approach with an overarching framework of the right to education for all

108. **In contrast to the Millennium Development Goals, the post-2015 development agenda should create an overarching framework of education which is all-inclusive. A global, rights-based approach should address the entire continuum of education and learning, from early childhood to lifelong learning. It should emphasize State obligations and compliance with norms and standards for the right to education for all for both public and private schools.**

A rights-based approach should address all aspects of education, and universal education goals in future agendas should be universally applicable.

109. **Guided by a rights-based approach, education goals should be formulated as entitlements, with the corresponding responsibility of Governments to their citizens to deliver on the goals and targets. Thus, the education agenda should be devised along the lines of rights-holders and duty-bearers: rights-holders include children, youth and adults who are entitled to receive or equitably access available education programmes; duty-bearers include Governments, or partners that assist Governments in their obligation to provide the policies, programmes and institutions that implement the right to education. As primary duty-bearers for the realization of the right to education, Governments are first and foremost responsible for providing a national education system that lives up to their commitments.**

Equity, quality and learning achievements

110. **Post-2015 agendas for education must address marginalization and exclusion in education with equitable approaches in favour of the marginalized and the vulnerable. States have the responsibility to provide an education without discrimination or exclusion.**

111. **The promotion of equality of opportunity in education requires an emphasis on inclusive approaches and the adoption of positive measures, including affirmative action and social schemes, targeting disadvantaged and vulnerable groups to ensure that they have equitable access to education.**

112. **Aligning development planning with human rights norms and principles is essential to avoid economic progress that continues to leave untouched those who remain marginalized and therefore are deprived of educational opportunities.**

113. **In today's globalized economy, completion of primary education is just not enough. To ensure that education is relevant and useful, education goals in the post-2015 development agenda should have the objective of achieving by 2030 universal secondary-level education for all, with vocational and technical education and training as an integral part in order to respond to the rising aspirations of youth and to meet the critical challenges of an increasingly globalized economy.**

114. **Primary education as a core obligation of States must be available to all children, regardless of their circumstances; other levels of education where access is subject to availability must also be offered to all children, regardless of their circumstances.**

115. **Quality has been neglected in the pursuit of education-related Millennium Development Goals and the Education for All agenda; the right to basic education of good quality for all remains unfulfilled. The post-2015 development agenda should engage States more resolutely in promoting and ensuring that the right to a quality education for all is given without discrimination or exclusion. Education of high quality is imperative for responding to the rising aspiration of youth and for creating a better future for them. While expanding access to education for all, Governments must take full care to ensure that minimum standards in education are maintained.**

Implementation strategy with focus on action at the national level

116. **Each education goal and target must be accompanied by an implementation strategy and monitoring mechanisms, which should cover both access and quality at each level of education, aimed at enhancing learning achievements. The strategy should be guided by equitable approaches, along with social protection measures and support in the form of grants and bursaries to the children who are victims of exclusion, in particular those who are victims of extreme poverty. This is crucial for meeting challenges in overcoming unprecedented disparities in access and quality as the demand for education grows and what is on offer becomes more diverse.**

Role and responsibility of all partners and key stakeholders

117. **Education is a core responsibility of the Government; it is also a social responsibility, involving the participation and engagement of civil society organizations and various stakeholders. Education systems of tomorrow need to be designed so that they clearly delineate the roles and responsibilities of all partners and of various stakeholders, including communities, local bodies, teachers and parents. A comprehensive legal framework, which is applicable to all providers of education, public and private, and is fully respectful of the right to education as a fundamental human right, must inform the implementation strategy.**

Regulatory framework for controlling private providers of education

118. **Exploding demands for education have led to an exponential growth of private providers of education. A comprehensive and sound regulatory framework for controlling private educational institutions and ensuring their conformity with norms and standards is required. While preserving public interest in education, a system of effective sanctions in the case of abusive practices by private providers of education must exist.**

Recognizing educational dimensions of all other universal goals

119. **The central role of education in accelerating progress towards all Millennium Development Goals is recognized in the context of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, held in 2010. It deserves continued and enhanced attention, since all development goals are underpinned by educational dimensions. The right to education, with its pivotal role in development, should be embedded in all such goals. The post-2015 development agenda must build upon the Global Initiative on Education of the Secretary-General, Education First, which sets out a vision to make education a top priority of the global political agenda. High priority should be given to education in national development and the right to education as an integral part of development planning and the implementation of policies and programmes. The right to education deserves strategic consideration in public policies and in global partnerships.**

120. **Poverty is the greatest obstacle to the enjoyment of the right to education as well as the right to development, and its elimination is an overriding development concern. A universal goal to eliminate poverty should be intertwined with a universal goal on education, in consideration of the key**

importance of the right to education as a powerful lever in the elimination of the intergenerational transmission of poverty. An implementation strategy should provide permanent support in the form of grants and bursaries to the children who remain deprived of education, in particular children who are victims of extreme poverty.

121. Similarly, a universal goal related to women's empowerment should be closely linked to education as a fundamental right, with special measures in favour of women and girls in vulnerable and marginalized situations. Educating women and girls should, a priori, be viewed as a human rights imperative, rather than being undertaken solely because of potential benefits to their children or to society. States must develop "legislative developments" and adopt specific laws for women's empowerment through education within the framework of the Convention on the Elimination of All Forms of Discrimination against Women.

Strengthening national legal systems for the right to education

122. National legislation establishing the right to basic education has been developed in many countries as part of the Education for All process. Governments must be encouraged to carry that process further so that education laws are modernized to address education quality, financing, the provision of technical and vocational education and training, the regulation of private providers of education and lifelong learning.

123. Developing appropriate process and outcome indicators with national targets and benchmarks must be an integral part of all implementation strategies. Measuring, reporting on and ensuring that any future development goals are nationally enforceable will be instrumental in achieving progress. National targets must be equitable and must address measures related to quality, access and learning achievements. International minimum learning standards should be included.

124. Existing legal obligations must be operationalized in goals and targets to assess progress in achieving the right to a quality education. Goals and targets for progressive implementation should require Governments to annually report on progress through indicators. Where possible, indicators should include benchmarks that must be reached within an agreed time frame.

Sustained public investment in education as a national priority

125. No State committed to fostering development can afford to neglect to invest in education. Recognizing that the right to development and the right to education are mutually reinforcing, investment must be a continuous priority. Efforts to promote the expansion of education opportunities may fail if they are not sustained by political and financial support and by a legal framework that guarantees continued State investment in this strategic sector. The education agenda should necessarily contain clear and firm commitments by States to provide necessary resources as part of their human rights obligations.

Accountability of Governments, along with monitoring mechanisms

126. **Accountability should be a cornerstone of the post-2015 development agenda, with emphasis on mechanisms to hold Governments accountable to their commitments. Existing legal obligations must be operationalized in goals and targets along with the development of national action plans and programmes with benchmarks for the progressive realization of the right to education.**

127. **Indicators are crucial in addressing the accountability gap, and can demonstrate the extent to which Government obligations and commitments are fulfilled.**

Enforcement mechanisms linked to Government accountability

128. **A defining feature of a human rights-based approach to development is characterized by accountability. A rights-based approach presupposes that the rights are legally defined and are enforceable. It is therefore important that post-2015 education goals and targets be made enforceable in a national context.**

129. **The rights-holders should have the ability to challenge Governments to meet their international obligations when they are not being respected and fulfilled. Access to justice is of foremost importance for getting the rights enforced. The right to education is a justiciable right, and that should be recognized in the future agenda. Governments should, therefore, work towards making their commitments justiciable in their national legal systems, recognizing that they are all founded in international law.**

130. **Accordingly, effective enforcement mechanisms linked to Government accountability should be foreseen in the future agenda. The agenda should contain provisions enabling individuals and groups to claim their right to education as an entitlement in the case of violation or lack of its fulfilment. In this respect, the special role of ombudspersons and national human rights institutions and public human rights defenders should be recognized.**

Protecting social interest in education and preserving education as a public good

131. **Education should be central to the notion and concepts of global public goods and intellectual commons, which are increasingly being discussed in international forums. Education benefits both the individual and the society and social interest in education must be protected with regard to its mercantilization, geared towards commercial gains only. Education should be preserved as a public good and not be allowed to be reduced to a mere business.**

United Nations system-wide coordinated approaches

132. **Measures at the national level for the implementation of education goal in the post-2015 agenda can be boosted by its integration with the work of the United Nations human rights treaty bodies as well as of the Human Rights Council, which periodically assess and make recommendations regarding the fulfilment, inter alia, of the right to education. While submitting their reports to the United Nations human rights treaty bodies or to the Human Rights**

Council, States should indicate measures taken pursuant to the post-2015 education-related development agenda.

International solidarity and cooperation

133. **States in fragile situations and least developed countries may encounter difficulties in achieving the universal education goals of the post-2015 development agenda. In a spirit of international cooperation and solidarity, they should be supported by the international community in their implementation endeavour. Increased domestic and international investment in education is fundamental to boosting progress towards the achievement of development agendas.**

Fostering the humanistic mission of education

134. **The system of education should be inspired by a humanistic mission rather than by a mere utilitarian role of education. This is of utmost importance, as the humanistic mission of education is being vitiated. It is therefore important to pay critical attention to the human rights values and norms and to global citizenship as part of the humanistic mission of education so that education is aimed at promoting its essential objectives and meeting basic learning needs.**

Principles of social justice and equity

135. **Finally, the post-2015 development agenda should be founded upon certain key principles. The principle of social justice is at the core of the global mission of the United Nations to promote development and human dignity, and the principles of social justice and equity are reflected in the United Nations Millennium Declaration. These are of abiding importance in guiding State actions and should receive renewed emphasis in the post-2015 development agenda, with a view to creating a better world for present and future generations.**